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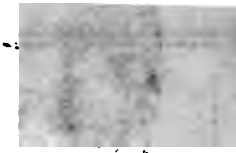

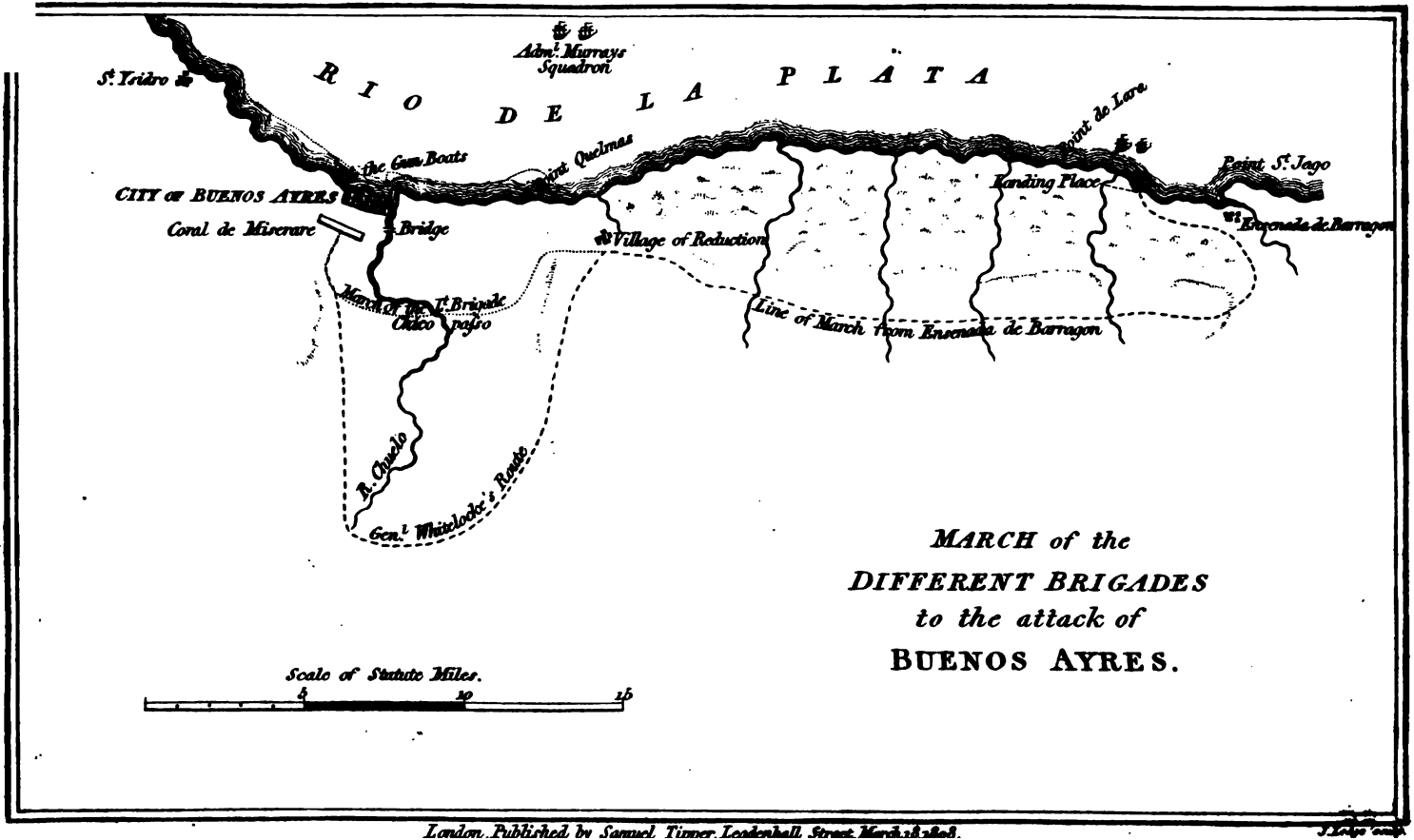

London Published by Samuel Tinner Leadenhall Street March 1.st 1808.

TRIAL

OF

LIEUTENANT GENERAL

JOHN WHITELOCKE,

COMMANDER IN CHIEF

OF THE

EXPEDITION

AGAINST

BUENOS AYRES,

BY COURT-MARTIAL, HELD IN CHELSEA COLLEGE,

On Thursday, the 28th January, 1808,

AND SUCCEEDING DAYS.

TAKEN VERBATIM IN SHORT HAND,

BY A STUDENT OF MIDDLE TEMPLE.

"This is not the Case of an Officer on his Trial by Court Martial for any one particular fact alledged against him, but it is the *first* Trial by Court Martial, instituted to investigate into the Conduct of a General Officer, having the command of an Expedition against a foreign Province."—JUDGE ADVOCATE.

LONDON:

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1808.

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TRIAL

OF

LIEUT. GENERAL JOHN WHITELOCKE,

COMMANDER IN CHIEF OF THE LATE EXPEDITION AGAINST BUENOS AYRES:

BY COURT MARTIAL,

'd at Chelsea College, on Thursday, the 28th of January, 1808, and several succeeding Days.

ten o'clock precisely, the several :neral and Lieutenant-general Offi- :s, summoned to form the Court, embled in the Great Hall, and soon er took their stations at the table :ording to their rank, in the follow- ; order:

dent, General Sir William Meadows, K. B.
'rals. Hon. J. C. Norton,
—— Viscount Lake,
—— Samuel Hulse,
—— James Oglevie,
—— Cornelius Cuyler,
.-genls. Hon. Henry Edward Fox,
—— Sir James Duff, Knt.
—— George Harris,
—— Lord Cathcart, K. T.
—— Francis Dundas,
—— Alexander Ross,
—— Henry Pigot,
—— Sir George Nugent, Bart.
—— William Loftus,
—— Richard R. Wilford,
—— Thomas Garth,
—— Vaughan Lloyd,
—— Miles Stavely,
Lieutenant-general Sir John Moore, K. B.

: Judge Advocate, the Honourable rd Ryder, took his seat at the of the table, on the right hand President. Lieutenant-general locke stood a little in the rear on t of the President at a table, where his counsel, the King's aid-de-camp, and other attendants on the General sat. On the right of the President, another table was provided, where the Adjutant and assistant Adjutant-generals, who assisted on the part of the prosecution, sat at the head; the deputy Judge Advocate at the foot, and the short hand writers, and assistant clerks on either side.

The business of the Court was opened by the Judge Advocate reading the warrant for summoning the Court Martial, and calling over the names of the members.

The deputy Judge Advocate was then ordered by the Court to read the several charges as follow:

First Charge.—That Lieutenant-general Whitelocke, having received instructions from his Majesty's principal Secretary of State, to proceed for the reduction of the province of Buenos Ayres, pursued measures ill calculated to facilitate that conquest; that when the Spanish commander had shewn such symptoms of a disposition to treat as to express a desire to communicate with Major-general Gower, the second in command, upon the subject of terms, the said Lieutenant-general Whitelocke did return a message, in which he demanded, amongst other articles, the surrender of persons holding civil offices in the government of Buenos Ayres, as prisoners of war. That the said Lieutenant-general Whitelocke in making such

an offensive and unusual demand, tending to exasperate the inhabitants of Buenos Ayres, to produce and encourage a spirit of resistance to his Majesty's arms, to exclude the hope of amicable accommodation, and to increase the difficulties of the service with which he was entrusted, acted in a manner unbecoming his duty as an officer, prejudicial to military discipline, and contrary to the articles of war.

Second Charge.—That the said Lieut. general Whitelocke, after the landing of the troops at Ensinada, and during the march from thence to the town of Buenos Ayres, did not make the military arrangements best calculated to insure the success of his operations against the town; and that having known, previously to his attack upon the town of Buenos Ayres, upon the 5th of July, 1807, as appears from his dispatch of July the 10th, that the enemy meant to occupy the flat roofs of the houses, he did nevertheless, in the said attack, divide his forces into several brigades and parts, and ordered the whole to be unloaded, and no firing to be permitted on any account; and under this order to march into the principal streets of the town, unprovided with proper and sufficient means for forcing the barricadoes, whereby the troops were unnecessarily exposed to destruction, without the possibility of making effectual opposition; such conduct betraying great professional incapacity on the part of the said Lieutenant-general Whitelocke, tending to lessen the confidence of the troops in the conduct of their officers, being derogatory to the honour of his Majesty's arms, contrary to his duty as an officer, prejudicial to good order and military discipline, and contrary to the articles of war.

Third Charge.—That the said Lieutenant-general Whitelocke did not make, although it was in his power, any effectual attempt, by his own personal exertions or otherwise, to co-operate with or support the different divisions of the army under his command, when engaged with the enemy in the streets of Buenos Ayres, on the 5th of July, 1807, whereby those troops, after having encountered and surmounted a constant and well-directed fire, and having effected the purport of their orders, were left without support or further orders, and considerable detachments under Lieutenant-colonel Duff, and Brigadier-general Craufurd, were thereby compelled to surrender; such conduct on the part of Lieutenant-general Whitelocke tending to the defeat and dishonour of his Majesty's arms, to lessen the confidence of the troops in the skill and courage of their officers, being unbecoming and disgraceful to his character as an officer, prejudicial to good order and military discipline, and contrary to the articles of war.

Fourth Charge.—That the said Lieutenant-general Whitelocke, subsequently to the attack upon Buenos Ayres, and at a time when the troops under his command were in possession of posts on each flank of the town, and of the principal arsenal, with a communication open to the fleet, and having an effective force of about five thousand men, did enter into, and finally conclude a treaty with the enemy, whereby he acknowledges in the public dispatch of the 10th July, 1807, that "he resolved to forego the advantages which the bravery of his troops had obtained, and which advantages had cost him about two thousand five hundred men in killed, wounded, and prisoners;" and that by such treaty he unnecessarily and shamefully surrendered such advantages, totally evacuated the town of Buenos Ayres, and consented to deliver up to the enemy the strong fortress of Monte Video, which had been delivered to his charge, and which at the period of the treaty and abandonment, was well and sufficiently garrisoned and provided against attack, and which was not, at such period, in a state of blockade or siege; such conduct on the part of Lieutenant-general Whitelocke tending to the dishonour of his Majesty's arms, and being contrary to his duty as an officer, prejudicial to good order and military discipline, and contrary to the articles of war.

Judge Advocate.—"Lieutenant-general Whitelocke are you guilty of these several charges, or not guilty?"

General Whitelocke.—"Not guilty."

President.—"All persons who are summoned to give evidence upon this Court Martial, are desired to withdraw."

Rear-admirals Murray, Generals Gower, Craufurd, and other officers who were witnesses then withdrew.

Judge Advocate.—On the part of General Whitelocke, I am to submit to the Court that he requests that the Adjutant and Quarter-masters-general belonging to the expedition may be permitted to attend in Court, conceiving that they may be of use to him in his defence. It is not necessary for me to state that the evidence of these witnesses will be material for the prosecution, and that in order to comply with General Whitelocke's request it will be necessary to deviate from the general rule of Courts Martial, of precluding all witnesses on both sides from being present. This is a point for the Court to decide upon, whether they will think fit to accede to the request.

The Court was then cleared, and after some time the doors were again opened, and General Whitelocke having resumed his station, was informed that his request could not be complied with.

The JUDGE ADVOCATE then rose and addressed the Court nearly as follows:

President, and General Officers of the Court Martial,

"Though you are met together on the most important occasion the military history of this country has afforded, or ever called for an inquiry into, I shall not long detain you in opening these charges. The subject is too painful for unnecessary prolixity, and the events are too recent and too deeply impressed upon the memory and the feelings of every man, to require a statement that will take up much time in this early part of the proceedings. You are already acquainted that the expedition entrusted to the command of General Whitelocke, which was, in the opinion of those that planned it, as more than an adequate force to accomplish its object, (the reduction of Buenos Ayres) has totally failed—failed with the deplorable loss of a large portion of the gallant army engaged in it; and failed not only in the object of its intention, but ended in the absolute surrender of those valuable advantages the valour of the British troops had, under another commander, previously acquired in the important possession of Monte Video.

"By this unfortunate event those hopes have been defeated which had been so justly and universally entertained —of discovering new markets for our manufactures—of giving a wider field to the spirit and enterprize of our merchants—of opening new sources of treasures and new scope for exertion, in supplying either the rude wants of nations emerging from barbarism, or the artificial demands of luxury and refinement in those remote regions of the globe. Important as these objects may at all times be considered by this country, the universal state of Europe, and the daily attempts making to exclude us from our accustomed intercourse with the continent, have increased the importance of these objects, and added to the disappointment of those hopes. This disappointment has also been painfully embittered by the disgrace which a failure under all such circumstances has affixed on the British arms. A diminution of military fame must by us be considered as a national calamity, and at no period so severely felt as this, when our military character is become more than ever essential, not only to our honour and our fame, but to the independence, to the liberties, and to the existence of Great Britain.

"It is certainly a great consolation, that whatever misfortune our military renown has sustained, the conduct of the troops had no share in the opprobrium. I believe we shall find that the more those proceedings of the 5th July shall be examined into, the more apparent it will become, that no troops ever displayed more courage—and, with the exception of what may be connected with the subject of these charges, (though I must hope that the result of this inquiry may prove this exception to be undeserved) that no officers ever displayed more coolness, conduct, determination, and devotion to their cause, even in the course of the most victorious triumph, than was displayed by the British officers during the whole of this destructive engagement. Under the pressure of this severe and public misfortune, which has been so aggravated by the accumulated weight of all the considerations to which I have alluded, the propriety and the necessity of this inquiry

must be sufficiently obvious and indispensable: the country has a right to be informed of the true cause to which this unexampled and unexpected disaster should be attributed. But if it is the right of the public to institute this inquiry, it is no less important to General Whitelocke himself. The reports to his prejudice which have unavoidably crept into circulation, and which have survived even the impressions of sorrow for the fatal transactions of South America, are perhaps increased by the natural propensities of the human mind, to attach blame to some one object; but these reports still so prevalent, have made it the duty of his Majesty's ministers to institute this inquiry. I must beg, however, to have it understood that, by adverting to these reports, I wish merely to prove that this Court Martial is not more essential for the public satisfaction, than it is necessary to General Whitelocke himself. So far from wishing to bring forward these reports in aid of the prosecution, that if I was not afraid of wounding your honourable feelings by the appearance of a doubt which I cannot entertain, I would most earnestly intreat you to dismiss from your memory every reflection you have heard respecting these unfortunate events: every suspicion, every prejudice you may have hitherto permitted your minds to entertain, and to come to this inquiry, as I well know you do come, free from every preconceived opinion, and prepared to judge the merits of this case, according to the face of the transactions themselves, coupled with the evidence that will entrust to you the power of a full investigation. I am so far from wishing to press such reports into the service of this prosecution, that if I did not know it to be unnecessary, I would most earnestly enforce the just claim of General Whitelocke, to the protection of your consciences, and of your oaths, against any effects they might produce.

"But, gentlemen, it is not upon reports that these individual charges are grounded. They stand upon stronger evidence than idle talk and vague rumour, for they are taken from the orders and the dispatches of General Whitelocke himself. There is not a circumstance alledged against him, that is not derived from his own statement of facts. The character of these facts certainly involves imputations of the most serious nature, but the facts themselves are taken from his own account of his own conduct: so much so, that I might deem myself warranted to discharge my duty to the public, by laying the orders and the dispatches of Gen. Whitelocke before you as statements of themselves, and without any other evidence, they might be found abundantly sufficient to call upon General Whitelocke for his defence. He is his own accuser—he has furnished a strong testimony against himself, and whether that testimony will be contradicted or confirmed—whether the character of these charges will be strengthened or disproved by the evidence I shall call, I have not had the means to ascertain. If a private prosecutor had come forward, as has more usually happened, he might have been able, by his own local knowledge and his previous communications, to have stated to you what facts such witness had it in his power to prove, and how these facts are connected with those charges. But I have not such information. The purposes of justice will, however, be equally aided by the present mode of proceeding, though I am afraid at the expence of a much larger portion of your time and trouble, than in the other case would have been necessary. Upon your account I must therefore regret the absence of those advantages, though in one point of view it is wholly immaterial; for even if I knew that each of the witnesses I have summoned to attend you, was possessed of facts tending only to the justification of General Whitelocke, I would deem it equally my duty, as holding the situation in which I have now the honour of addressing you, to bring forward those witnesses for your examination, as much as if I knew that their evidence would confirm every censure and misconduct imputed to him.

"The only object therefore, of this prosecution is, as it ought to be, that the business coming before you may be investigated to the bottom, and that justice may then be done. With this view I have summoned all those essentially connected with the expedition: all the

general officers and their staff, and all the officers, either originally commanding divisions, or who succeeded to the command; the Quarter-master-general, the Adjutant-general, the Commissary-general, the Admiral, the Captains appointed to superintend the naval operations, the Lieutenants of the gun-boats: in a word, every officer whose rank in the army, whose station, who from the peculiar nature of his duties, or who from any other circumstance, may possibly be enabled to throw any light upon this subject: and if in the course of this inquiry it shall appear that there are still others who have not been summoned, but whose evidence may be wished for, there is no member of this Court who can more anxiously desire that your judgment should be suspended till that additional testimony shall be obtained. It is with this intention, and in this disposition, I shall follow the example of my predecessors on similar occasions, by repressing in this stage of the proceedings, any observations upon the charges. After the evidence shall be closed, I may, if it shall be found necessary, avail myself of the opportunity to again address you, but in the mean time the charges do not require, nor shall I offer a comment or an explanation. The charges are sufficiently pointed and expressed; they speak for themselves; I have only to express my wishes that it may be in the power of General Whitelocke to explain them away, or entirely refute them."

The President then directed that there should be no publication of the proceedings of the Court, until the whole should be closed, otherwise such publication should be considered as a contempt of the Court, and treated accordingly.

The military commission appointing Lieutenant-general Whitelocke to command the expedition, dated 24th February, 1807, was then read.

The appointment of Lieutenant-general Whitelocke as Civil Governor of the Spanish province of Buenos Ayres, in South America, upon surrender to the British arms, was next read.

The military instructions to Lieutenant-general Whitelocke, signed by his Royal Highness the Commander-in-chief, and dated Horse Guards, 7th February, 1807, were read.—See Appen. (No. I.)

The additional instructions, dated Horse Guards, 24th February, 1807, were next read.—See Appendix (No. II.)

Instructions to Lieutenant-general Whitelocke, signed Howick, in the absence of Mr. Windham, and dated 5th of March, 1807, read.—See Appendix (No. III.)

Judge Advocate.—" I should here state to the Court, that the written evidence which has been produced and read, and such other written evidence as shall hereafter be produced, will be read from certified copies; to which General Whitelocke has intimated to me that he has no objection to their being considered as evidence.

The public letter from Lieutenant-general Whitelocke to the Secretary of State, Mr. Windham, dated Buenos Ayres, 10th July, 1807, and which appeared in the gazette, was then read.—See Appendix (No. IV.)

Judge Advocate. The private dispatch sent to Mr. Windham of the same date, is the next piece of evidence I shall offer. I term it private, as the certified copy which I have received, states it so to me; but General Whitelocke informs me that I have termed it incorrectly, as it was as much meant for the public as the other.

General Whitelocke. — Government were at liberty to have published either, and this might have satisfied the public better.

The dispatch was then read. See Appendix (No. V.)

Judge Advocate. Having now produced all the written evidence which I think can be produced without oral testimony, it becomes a very important matter for the Court to consider what mode of proceeding it will adopt. Two courses of proceeding present themselves; the one, to proceed in the examination of the witnesses charge by charge. The other of taking the evidence in the order in which the consideration of the time consumed in the expedition naturally presents itself. In the former course of proceeding the Court will observe, that there will be a necessity of calling back the same witness perhaps four different times, and some diffi-

culty may be found in separating the evidence applicable to each particular charge, as it will naturally run from one charge into another. In the latter course of proceeding there are two points, into which it may fairly be divided. The first to comprehend all the circumstances that passed previous to the landing, and during the march, up to the end of the 4th July. The other to include the attack itself on the 5th and all that happened consequently. The propriety of taking the enquiry in the last mode has struck me very forcibly, as by that means the Court will obtain a distinct view of what the state of the army was at the close of the 4th July, its effective force, in ammunition, provisions, artillery,—the information obtained of the strength and position of the enemy—his means and disposition to resist—and every other point the Court may think necessary to enquire into, to the time when the orders were given for the attack. The Court being thus in possession of all these facts, will be the better able to form a judgment, both on the plan itself and the execution of it. I have no preference to either plan, and can have no other wish than that the question should be before the Court in the most distinct and clearest manner. I believe General Whitelocke has no objection to taking the case in the order of time; I felt it my duty to submit the matter to the Court, it is for them to consider and decide which plan they will think proper to adopt.

General Whitelocke—Perhaps it would save time to take it altogether.

Judge Advocate—In my opinion, the plan suggested by General Whitelocke would be attended with considerable difficulty, as the Court would have to call several witnesses, before the Court could apply their minds to the consideration of the answers the first witness had given, or how far those answers bear upon the case. According to that mode of proceeding it would become necessary to call the same witnesses over and over again. Perhaps it would be better now to read the treaty, which is a material piece of evidence; we shall then have completed the written evidence. I ought to state to the Court, that all the documents alluded to in Mr. Windham's instructions are before the Court, but, being voluminous, I have not read them, conceiving there were no material points in them applying to this prosecution. They are in General Whitelocke's possession, and if he thinks there are any points in them which may avail him, he may now, or at any time hereafter, have the assistance he may expect to receive from them.

The definitive treaty between General Whitelocke, Rear-admiral Murray, and General Liniers, was then read.—See Appendix (No. VI.)

The Court was now cleared.

When again opened, the President informed General Whitelocke, that the Court had determined to divide the case into two parts, the one embracing the period to the close of the 4th July, and the other, from that time till signing the definitive treaty.

Judge Advocate.—I thought a very short time ago we had arrived at the end of the written evidence. I conceived by analogy, and in allusion to the proceedings of the other courts, to which I am more accustomed, that the rest of the written evidence which ought to form a part of the minutes of the Court, but which did not immediately bear upon any of the charges, might be entered as read. I am, however, informed by those who are more conversant with the proceedings of courts-martial, that the evidence must be read, in order to allow it to appear on the minutes, and therefore I am afraid I shall be under the necessity of troubling the Court with hearing those other documents read, one of which is the instructions to Brigadier-general Craufurd, who left the country previous to General Whitelocke's appointment; they respect the conduct General Craufurd was to pursue towards the inhabitants of the country in case of an accession of territory, and these are referred to in Mr. Windham's instructions to General Whitelocke, as those by which his conduct was to be guided in a similar case. As the expedition, unfortunately, failed, and no accession of territory was gained, it did not appear to me, that those instructions could form any part of the evidence; but, as it is usual, it will be necessary to read them.

The instructions from Mr. Windham, to Brigadier-general Craufurd, dated 30th October, 1806, were then read.

Letter from Mr. Windham to General Craufurd, of the same date, read.

Orders of council, dated the 1st October 1806, read.—See Appendix (No. VII.)

Orders of Council, dated 17th September, 1806, read.—See Appendix (No. VIII.)

Judge Advocate.—General Whitelocke has desired me to state to the Court, although it is no part of my official situation, that he understood that, notwithstanding the decision of the Court, that the adjutant and quarter-master-general should not be allowed to remain in Court during the examination of other witnesses, yet that he might be at liberty to call them as often as it might be convenient. He now wishes to call the quarter-master-general into Court.

General Whitelocke.—I only mean while the examination is going on respecting the march, in which he was very much concerned.

Judge Advocate.—In calling General Gower, my object is to examine him respecting all that passed previous to the landing. General Whitelocke applies to have the quarter-master-general present, during the examination of General Gower upon these points.

Court.—That point is considered as already decided.

General Whitelocke.—I should not have troubled the Court, had I understood it was refused to that extent.

Major-general John Leveson Gower, sworn and examined by the Judge Advocate.

Q. Were you second in command in the expedition against the province of Buenos Ayres?

A. I was. I was the only Major-general on that expedition.

Q. Did you sail from England with Lieutenant-general Whitelocke?

A. I sailed from England with him in the Thisbe frigate.

Q. State to the Court with what force you sailed from England?

A. I have no specific return of the force: it consisted generally of the 89th regiment, a troop of horse-artillery, and recruits from various corps; their exact number I do not know.

Q. Was that force destined for Monte Video?

A. I had no specific information upon that head, but I understood so.

Q. They had not arrived when you sailed for Buenos Ayres from Monte Video?

A. They had not even been heard of.

Q. Were you in daily expectation of their arrival when you sailed from Monte Video?

A. Certainly. The period that had elapsed gave me every reason to suppose they would either arrive shortly, or had missed their passage entirely.

Q. State what passed during the voyage from Monte Video to Buenos Ayres?

A. I do not recollect any thing that passed of a military nature: having on board forty artillery soldiers only, there was no specific duty for the officers on their passage. All that passed was that sort of general intercourse which usually occurs between passengers.

Q. Did you go to Colonia in the voyage between Monte Video and Buenos Ayres?

A. I did.

Q. For what purpose did you proceed to Colonia?

A. When the fleet had proceeded a certain distance, Lieut.-general Whitelocke was pleased to order that I should go on board the Rolla gun-brig, commanded by Rear-admiral Murray, to Colonia, for the purpose of superintending the embarkation of the garrison, which had been stationed under Lieutenant-colonel Pack.

Q. Did you bring away the whole garrison there?

A. I did.

Q. Of what force did that garrison consist?

A. It consisted of the light companies of that army, three companies of the 95th regiment, and the 40th regiment; their exact numbers I had no means of ascertaining. There were also some ar-

tillery; but I have not the returns by me.

Q. Were your orders to bring away all the horse-artillery?

A. The orders I received were discretionary in a certain degree. They were to embark the force as speedily as I could, lest the fleet, then in an exposed situation in the river, should receive any damage, by delaying the junction of that detachment; and Lieutenant-general Whitelocke left it discretionary with me to leave a small force on shore, if I found from the reports I collected on my arrival there, that they could have been left in a tolerable degree of security. Finding from the reports which I collected, that any considerable diminution of the number of troops in Colonia would risk the loss of any detachment which might be left, I embarked the whole; there were not any transports reported to me at Colonia fit to receive horses.

Q. In point of fact, were there any; and if any, what number of horses left at Colonia by you?

A. I do not know exactly. Lieutenant-colonel Pack, who commanded there, will be able to give that information.

Q. On what day did you join the fleet after you left Colonia?

A. On the 26th June.

Q. On what day did you land?

A. On the 28th.

Q. Did the whole army land on that day?

A. I do not know: I received orders to advance with a division to the heights above the morass, with the 95th, 38th, and 87th regiments under my command.

Q. State what orders you received from Lieutenant-general Whitelocke during the march.

A. On the 1st July I received an order to take a position on the heights beyond the village of Reduction, which I accordingly did. Upon the 2d I received another order, directing that I should advance, and endeavour to discover a pass across the Rio Chuelo, and if I did find it, to forde it, and make a lodgment on the other side; and, if possible, to open a communication with the navy. This day we met some of the enemy's cavalry. Brigadier-general Craufurd, who was in advance, reported to me that he had seen a considerable body of the enemy's infantry, with some artillery, and requested permission to attack them. I accordingly made an order for that purpose, and he advanced.

Q. Were the orders you received from Lieutenant-general Whitelocke verbal or written, or both?

A. The orders were not written, except the one I received to proceed to Colonia; this was in the possession of my Aide-de-Camp, who was afterwards taken prisoner, and he destroyed it to prevent its getting into the hands of the enemy.

Adjourned at three o'clock, until to-morrow.

SECOND DAY.

FRIDAY, JAN. 29.

The Court being met pursuant to adjournment, Major-general J. Leveson Gower was further examined as follows:

Q. *By the Judge Advocate.*—What was the name of your aid-de-camp to whom you gave the order mentioned in your former evidence?

A. Captain Maxwell of the 63d regiment of foot.

Q. Who brought that order to you from Lieutenant-general Whitelocke?

A. Lieutenant-colonel Bourke, quarter-master-general of the forces.

Major-general Gower here requested to add the two following paragraphs to his former evidence, viz.

The 87th regiment was to have joined me on the march, and I was directed, if I should make a lodgment in the suburbs of the town, to summon; and if the enemy demanded what terms General Whitelocke proposed, I was to send them the terms accompanying that order.

Q. Is the Court to understand that the terms were specified in the order?

A. Certainly. As soon as I saw General Lumley's brigade ready to move, I gave orders to do so; and went forward myself to join Brigadier-general Craufurd. Continuing my march with the twelve

companies under his command, I arrived at the junction of two roads which led up from thence to the Coral de Miserere. Having halted the column previous to my occupying that spot, we discovered the enemy's infantry and cavalry posted behind the thick inclosures which were on that side of us. Finding that the line which I then occupied was a little diagonal to that which the enemy had taken up, I thought I should lose fewer men by an immediate attack than by waiting for the junction of General Lumley's brigade. I directed Brigadier-general Craufurd to charge the line with the bayonet, which succeeded so perfectly, that in a very few moments the enemy's infantry was completely routed, and ten pieces of cannon were in our possession. By the time the light infantry were re-formed, and a reserve placed over the captured cannon, General Lumley's brigade had arrived, and took up an excellent position on the right of Brigadier-general Craufurd's brigade, and I had determined to remain in that position till joined by the rest of the army under the Commander of the forces. Soon after day-light next morning I sent a general summons to the Spanish Commander, and he returned for answer, that he wished to know what specific terms would be granted. I sent Captain Roche, Brigade-major to General Lumley, with the terms stated in the former part of my evidence.

Here a copy of the summons was produced and read.

Q. Were the terms stated in the letter just read the terms which were specified in the order you received from General Whitelocke the day before?

A. Correctly, to the best of my recollection.

Q. Have you any doubt that the surrender of the civil officers was included as one of the terms to be required of the Spanish Commander in General Whitelocke's order?

A. I have no doubt upon the subject. It certainly was specified as stated; and when I delivered the copy of the correspondence to General Whitelocke, he did not find fault with any part of it.

Here a paper was produced purporting to be the answer of the Spanish Commander, and put into the hands of the witness.

Q. Was that the answer you received?

A. The paper now produced was delivered to me as the answer of the Spanish General. It was in Spanish, and I did not immediately make the translation, intending to delay until the arrival of General Whitelocke.

Judge Advocate.—"The paper is an attested copy of that sent to General Whitelocke."

General Whitelocke.—"I am willing to admit the authenticity of this paper, subject to the correction of General Gower."

General Gower.—"I do not sufficiently know the Spanish language to speak positively, but I believe it to be a correct copy."

General Gower then proceeded in his narrative as follows:

The enemy attacked my pickets soon after day-light on the 3d, and they continued in action until the arrival of the principal division of the army under General Whitelocke, about two o'clock in the day, when my command ceased.

Q. Proceed to state the operations of the army from the time of the junction of the main body, until the night of the 4th of July, as particularly as your recollection will enable you.

A. Not having the command of that army myself, it is impossible for me to give an accurate account of the general operations, or of more than the general orders which I received from General Whitelocke, who had the command. On the arrival of General Whitelocke's column he directed that the whole should be formed by the prolongation of the line previously occupied by the brigade of Brigadier-general Lumley and Brigadier-general Craufurd. As the pressure of the enemy was very great on our pickets shortly after that time, he directed the line to withdraw behind the heights near the Coral, that the pickets should fall back and endeavour to entice a considerable body of the enemy into the open ground. It did not succeed, as they would not quit the buildings, and we were obliged to re-occupy our original line; the general wishing to place the men under cover from the inclemency of

the weather. The same fire continued on the pickets the whole day, but not with equal strength, by which we suffered considerable loss.

Q. Were there any, and what other orders, issued by General Whitelocke subsequent to the junction of the army?

A. Those already described, and also those described in the public dispatches of General Whitelocke previous to the action of the 5th July. There was also an order, in which the General was pleased to approve of the conduct of my division in the action of the 2d.

Q. Do you know of any summons sent into the town by General Whitelocke on the 4th of July?

A. He informed me that morning that he meant to summon the town, and should refer them to the same proposals he had sent on the 3d.

Q. Previous to leaving Monte Video, do you know what information General Whitelocke received as to the state of the season being favorable or unfavourable to an expedition against Buenos Ayres?

A. No; I do not.

Q. Was General Whitelocke in the habit of consulting with the second in command on the plans and operations of the army?

A. In very few instances. In some he may have asked my opinion; but not in all.

Q. Had you no communication with General Whitelocke as to the propriety of undertaking the expedition against Buenos Ayres before you left Monte Video?

Lieutenant-general Whitelocke here objected to the question on the grounds of being too extensive, and not relating to any specific act. He contended it was a general question, leading to general conclusions, and if admitted, must lead to an endless investigation.

Judge Advocate.—"It is for the Court to decide whether the objection of the Honourable General is well founded. The nature of the question is to ascertain whether the expedition was undertaken at that period of the year which held out a fair prospect of success, and whether the Commander in Chief upon that expedition had taken the proper measures to insure success. I shall submit to the Court that in these charges these facts are alleged, and that he pursued measures ill calculated for this purpose. It is therefore necessary that the whole of his conduct on that expedition should come before the Court for their investigation."

The Court was then cleared. On the re-admission of strangers, the Judge Advocate intimated that the Court had over-ruled the objection of General Whitelocke, and the question was again put to the witness.

A. Lieutenant General Whitelocke informed me, some time after his arrival at Monte Video, that whenever Brigadier-general Craufurd arrived in the River Plata he would not lose one moment in the attack upon Buenos Ayres: and he stated, at the same time, as one of the reasons that induced him to that prompt measure, the impossibility of feeding so large a body of men on the left bank of the Plata during the winter season.

Q. By the left bank do you mean Monte Video side or Buenos Ayres?

A. In describing a situation as an officer, I mean to speak as looking down a river, or a street. By the left bank I mean Monte Video side.

Q. Was that which General Whitelocke stated to you the only communication you had with him on that subject? Or, if any other, state them.

A. I do not recollect any other positive communication. There might have been some general conversation at times when the subject was mentioned; but I do not recollect any particularly.

Q. Were you in habits of confidential communication with Lieutenant-general Whitelocke?

A. What degree of confidence General Whitelocke may have been pleased to place in me I am not able to state. He employed me in many of the details previous to the embarkation of the troops at Monte Video; but all the great leading arrangements were made by himself.

Q. By the words confidential communication was meant that degree of confidence which your situation, as second in command in an expedition of so much importance might entitle you to expect. Does this explanation make any difference in your answer to the preceding question?

A. Conceiving that a second in command is as much under the orders of the Commander in Chief as the youngest subaltern officer in the army, I executed every order entrusted to my charge to the best of my ability: and not conceiving that any power rested with me while the officer possessing a commission as Commander of the forces was present, I was fully satisfied to be employed in such services as his Excellency might chuse to select.

Q. Were you from time to time informed of the general plan of operations by Lieutenant-general Whitelocke?

A. I had not heard that any plan ever was formed. I was not acquainted with any.

Q. Is the Court to understand from your answer that General Whitelocke's plans of operation were not communicated to you before they were carried into execution?

A. My answer related to a general plan. I have already stated I was not acquainted with the existence of any plan. Whatever communications were made to me were made in the shape of orders.

Q. These questions relate to the period before leaving Monte Video?

A. I have no difficulty in stating, during the whole period of the service.

Q. In your answer yesterday you stated that no transports were ready at Colonia. Whose duty then was it to provide transports during the expedition?

A. Never having had the chief command of troops on a foreign expedition, I do not know what the orders of Government are upon that subject.

Q. Do you not know whose duty it was to provide transports on that expedition?

A. I do not know of any transports provided, with the exception of one small sloop under American colours, that was not regularly hired by the transport board in London, and which had been employed in the conveyance of troops and stores from the various points from whence that army had been collected.

Q. As there were no transports at Colonia to convey the horses that had been collected there, how were they to be transported to the scene of action on the other side of the river?

A. I never knew that any had been collected for that purpose.

Q. With what proportion of artillery did you take your first position on the 28th?

A. Without any.

Q. When did you receive your portion of artillery, and how was it conveyed?

A. Two six-pounders and two three-pounders were ordered to attach themselves to me on the 1st of July in the morning. There were horses to them, but of so miserable a description that I trusted much more to the exertions of the artillerymen, the soldiers, and a detachment of seamen for their conveyance than to the horses.

Q. Do you know what artillery General Whitelocke brought with the main body when he joined on the 29th?

A. When the troops came up to my position there was no artillery with them. I understood that it was in the morass below the heights; and I heard two battalions ordered down to extricate them. The amount of the artillery I do not know.

Q. Do you know whether any, and what measures were taken for collecting horses, after landing, for transporting the artillery?

A. I do not; nor do I believe, but am sure, no measures would be of any avail, because all the horses of that country are so wild they would not be fit for harness.

Q. Do you know whether the horses left at Colonia had or had not been trained for the purposes of artillery?

A. There were a few reported to be of that description; but they appeared very bad, and not calculated for hard labour.

Q. Will you describe the nature of the ground between Ensinada and the heights where you took up your position on the 28th?

A. It was a morass, covered with a surface of water varying in depth from two feet upwards. How deep it might have been in some places I cannot tell, not having had time to sound it: but in attempting to discover a better passage for the march of troops than that which was pointed out to us as the usual road,

I got into many situations from which I with difficulty extricated myself and the horse on which I rode.

Q. As far as you are enabled to form a judgment, was the depth of the morass such as to make it impracticable for the transporting of artillery properly provided with horses?

A. I cannot state what condition the road was in before: but on the 29th the ground was so tender when I passed it, that the rear of my own small column had much more difficulty than the front. In going up the face of the heights there were passes so deep that my own horse fell three times, unable to extricate himself.

Q. Do you know whether General Whitelocke had obtained any, and what information, of the difficulties which you describe, previous to landing at the Ensinada?

A. I remember to have been present when General Whitelocke examined a man, previous to the embarkation at Monte Video, who stated the road to be bad at all times, and attended with difficulty. He particularly questioned him as to the practicability of passing with a wheel carriage through the morass; and he answered that the Ensinada was the place of common embarkation for people going to the River Plata: and that it was never at any time impracticable to pass that way with a carriage.

Q. Do you know why the landing was not effected in some other part of the river?

A. I was not employed in reconnoitering the river. Quarter-master-general Lieutenant-colonel Bourke was engaged in that service.

Q. Can you state the reason that induced General Whitelocke to land at the Ensinada in preference to any other place?

A. It is impossible for me to state what motives may have induced General Whitelocke to prefer the former.

Q. Do you know what portion of commissaries stores for victualling the army were landed at the time of the disembarkation?

A. Having been detached before all the troops were landed, I have no knowledge whatever on the subject.

Q. Do you know whether it was practicable to communicate with the sea from the village of Reduction?

A. The public dispatches state that there was a communication at that place between the army and navy. I have no knowledge of the fact, being in advance.

Q. When you began your march on the 2d of July, in consequence of the order from General Whitelocke, what force had you under your command in troops and artillery?

A. I cannot exactly tell. I should think General Craufurd's division was something under nine hundred men—of the 36th and 88th regiments. As many men were incapable of advancing from the fatigue, the effective men left with us by the time we crossed the Chuelo, were very much reduced. And by the time I got to Reduction, I was obliged to leave one hundred and fifty there. On the succeeding morning, when I gave the order to march, Brigadier-general Lumley reported to me that there were a vast many more totally unable to proceed, I ordered all such men to be sent up to the principal division of the army at Reduction. There remained so little daylight to execute the order which I had received, that I did not like to submit to the delay which the collection of regular returns would have caused. The badness of the horses, and the difficulty of the pass were such, that with the greatest zeal and exertions, on the part of Captain Frazer, we were unable to get them up to the Coral till long after the action had ceased that evening.

Q. State, as nearly as you can, the number of troops you had under your command at that time.

A. I should think the amount of these two battalions were not more than one thousand men fit to march.

Q. Having stated that you had been informed by General Whitelocke that another regiment should join you on the march, did that regiment join you?

A. It never joined me until the main body came up on the 3d.

Q. Having been directed to undertake such important operations with the force you have described, what reports were you directed to make to General Whitelocke during the separation of the advance guard from the main body?

A. I do not remember that there was

any specific order on that subject. When I marched on the 2d, Lieutenant-colonel Bourke informed me that it was General Whitelocke's intention to support me with the whole army. I waited till ten o'clock on the succeeding day, and hearing nothing of the main division, I sent an officer, with the 87th light company, to endeavour to find them out. He succeeded, and returned with the main division.

Q. Do you know to what distance General Whitelocke marched on the 2d, with the main body of the army, when he found the line of operation of the advanced guard?

A. Not knowing where the main division was posted on the night of the 2d, I cannot say.

Q. Did you receive any directions from General Whitelocke to keep up a communication with the main body of the army, during the separation, through the medium of patroles, or in any other manner?

A. None whatever. I considered my order to make my lodgment good in the suburbs of Buenos Ayres peremptory; and I should have attempted it under any circumstances whatsoever, without looking to the main body of the army for assistance.

Q. Having stated that the corps under your command, after having driven a considerable body of cavalry across the Chuelo, and hearing of a formidable body of infantry and artillery on the evening of the 2d, could you not have derived any support from the main body under General Whitelocke, had the circumstances of the action brought your corps into imminent danger at that period?

A. Certainly not. There was no assistance which I could derive from a corps on the right banks of the Chuelo, which could have availed me at all on that night.

Q. State what appearance of hostility on the part of the enemy you observed, or heard of, between your landing and taking post at the Coral?

A. Between the 28th, and the morning of the 2d, I saw nothing but parties of the peasantry of the country, who were all mounted, and kept up a desultory fire on the column, except when I approached the village of Reduction, where I saw so considerable a number of these men in a body, that I formed General Craufurd's division into a line. A rapid advance drove them a great distance, and I took up my position for the night, without any other difficulty than what arose from their attempts to cut off sentries and straggling men. When we were ascending the right bank of the Chuelo, on the morning of the 2d, I fell in with a considerable quantity of cavalry, perhaps six hundred, many of whom were cloathed uniformly, and had the appearance of regular soldiers. I observed the left bank of the Chuelo apparently lined with corps of infantry, that marched by their right opposite to me for some time, apparently with a design of defending the high ground above the Chico pass over the Chuelo, I out-marched them so considerably that they were foiled in that attempt.

Q. Was the Chico pass the pass over which the advance guard under your command crossed the Chuelo?

A. I believe so.

Q. What was the breadth and depth of the river at that pass?

A. The breadth about thirty yards, and the depth so considerable I was obliged to unload the artillery, and carry the ammunition over on mens' heads, and to oblige the infantry to carry their cartridge boxes on their shoulders to prevent their being wet.

Q. Did you receive any, and what intelligence of the plans and movements of the enemy between the period of landing and taking post at the Coral?

A. None whatever. With the exception of one, every house was deserted, and every man actively employed in arms against us.

Q. If you had received orders from General Whitelocke to inform him of the discovery of the ford, and you had done so, how many hours march would it take for the main body to arrive at the ford?

A. I conceive from the position at Reduction the distance to the ford is very little greater, if taken in a direct line, than from the one from which I advanced. It occupied me about four hours to arrive at the ford: when I arrived there I saw General Whitelocke's division at a very considerable distance on the heights,

apparently in motion. I cannot attempt to guess at what distance it then was, but it was so great we could not positively ascertain, with the best glasses, whether it did move, or which way.

Adjourned until Monday, Saturday being the Anniversary of King Charles's Martyrdom.

THIRD DAY.

MONDAY, FEBRUARY, 1.

The Court being met pursuant to adjournment, a petition was presented from Lieutenant-general sir J. Duff, Knight, praying that he might be excused further attendance as one of the members of the Court, in consequence of the indisposition of a near relation. He was accordingly excused attending during the remainder of the trial.

Major-general John Leveson Gower again called and examined.

Q. When were you informed that the 87th regiment would not join you?

A. I never received any information upon that subject, subsequent to the delivery of that order by Lieutenant-colonel Bourke.

Q. Having stated that when you marched on the 2d, Lieutenant-colonel Bourke informed you that it was the intention of Lieutenant-general Whitelocke to support you with the whole of the army, when were you first informed that General Whitelocke was not following your line of march, and that you were not to receive the support you were promised?

A. I did not receive any information that Lieutenant-general Whitelocke was not following in my line of march, but when I crossed the Chuelo with my division, I could then, with my spying-glass, discover the principal division of the army on the heights at a very considerable distance, so great, that I was convinced there did not remain sufficient daylight to enable them to join my division.

Q. Had you any intelligence whether there was or was not a reserve formed from the main body of the army, independent of the division under General Whitelocke?

A. I had no knowledge whatever on that subject.

Q. What was the general face of the country through which you marched? Was it open or inclosed, woody, mountainous, or plain?

A. From the position I had taken up on the night of the first it was perfectly open, without even a height of any species. The ground rose with a very gentle elevation from the banks of the Chuelo towards the heights on which the village of Reduction was seated, and which appeared to extend in a direction nearly parallel with the course of the Chuelo: during that part of the march we had to cross a very considerable number of boggy places which rendered the passage tedious and difficult. Having crossed the Chuelo, the first two miles of the march were through long meadows, the surface of which was wet, but firm. We then ascended some heights, and from thence to the Coral the country was strongly inclosed with thick banks and very strong ditches.

Q. What is the distance from the Chuelo to the suburbs of the Coral de Miserere?

A. I do not know by admeasurement; it occupied me three hours in the march.

Q. Can you tell how many miles without admeasurement?

A. I should think between six and seven.

Q. Can you tell what is the distance from the bridge over the Chuelo to the Chico pass?

A. I cannot.

Q. Can you tell how many days provisions your division had when you marched from the Ensinada?

A. Three days beef and bread, and one day's spirits:—not when we marched, but when we landed; one day's provisions having been consumed during the march.

Q. Did you receive any supply of provisions from the main body of the army, or from the fleet during your march from the Ensinada to the suburbs of Buenos Ayres?

A. None. Except a small quantity of spirits not worth mentioning, as it was not sufficient for the consumption of one-third of the army for one day, and this was brought by a subaltern officer of the

36th for the use of his own corps. Otherwise we had nothing.

Q. Did you obtain any supply of provisions from the country during your march?

A. On the 28th none; on the 29th and 30th two pionies, (cattle catchers) who were in the service of Brigadier-general Lumley, caught some few bullocks. On the 1st July my men had nothing until we came to a position at night; when, having captured some sheep, they were divided among them. On driving the enemy through the village of Reduction, I got a very small quantity of bread, but so small, it was hardly worth dividing. On the 2d I had no provisions; the result of my success on that night was the capture of some bullocks, and as much bread as would serve both divisions of the army for two days, as reported to me; but being late when we came to our position none could be served out till the morning of the 3d.

Q. Had you any, and what information of the position of the main body of the Spanish army on the morning of the 2d?

A. I have already stated that I saw a large body of infantry on the left bank of the Chuelo. Whether that composed the main body of the army or not I do not know. I had no other information on the subject.

Q. When General Whitelocke came up with the main body on the 3d, did you receive any information from him respecting a reserve?

A. He ordered me to form the army in line, and then I discovered that the 40th regiment, and part of the 17th light dragoons dismounted, were absent with Lieutenant-colonel Mahon's brigade.

Q. Were you informed by General Whitelocke where these regiments were?

A. Subsequently, at his own quarters, he informed me that he had left them at the village of Reduction, but for what purpose I never clearly understood.

Q. Of what regiments did Colonel Mahon's brigade consist, exclusive of the 40th foot and 17th light dragoons?

A. I am not sure whether the 45th foot was not attached to that brigade. There were four dismounted troops of cavalry. Such was the arrangement when I had the last communication with the main division. It might have been altered afterwards.

Q. Was any communication opened with the reserve under Colonel Mahon, or with the navy previous to the junction of the main body with the advanced guard on the 3d?

A. None that I ever heard of.

Q. What information respecting the enemy's force or other arrangements was obtained from the prisoners taken on the 2d?

A. I obtained very little myself; I was present at very few of their examinations; the information which I did obtain was that until midday of the 2d, the whole of the enemy's attention was directed to the sea line of Buenos Ayres, or in other words, to the line of the Plata and to the banks of the Chuelo: that until about that time it was reported that they had intended to remove their guns, and collect the principal part of their force towards the center of the town, and defend their streets by moveable columns.

Q. By whom were the prisoners examined, and where?

A. They were examined at General Whitelocke's quarters, I believe generally by himself.

Q. Was there any examination of the prisoners previous to General Whitelocke's arrival on the 3d?

A. No regular one by myself. I spoke to several of them; but their information seemed to me so little satisfactory, and, from their statement, that the enemy were in the act of adopting new measures when they marched, I gave myself very little trouble about it.

Q. Were there any, and what measures taken in the interim after the arrival of the main body on the 3d, to the night of the 4th, to insure success to the operations against the town on the 5th?

A. The question is so general that it is impossible for me to answer it. What other officers were ordered to do I cannot tell.

Q. What measures were taken by General Whitelocke to your knowledge?

A. General Whitelocke ordered that all officers commanding brigades and regiments should attend at his quarters on the morning of the 4th. When there, the orders were delivered to them which

were to be put in execution on the next morning; and they were directed to give every information they could of the particular partition of the town which was allotted to them in the first instance. All the tools which could be collected, that were applicable to forcing doors and windows, were directed to be searched for: a detail of the attack was published in General Whitelocke's letter, but I cannot sufficiently recollect the minute parts of it to venture to detail it from memory.

Q. Had the plan of attack been communicated by General Whitelocke to any one, to your knowledge, previous to the meeting on the morning of the 4th?

A. Certainly. It was communicated to myself, and I have reason to believe to several others.

Q. On what day previous to the 4th?

A. On the evening of the 3d to myself generally, and on the morning of the 4th to others.

Q. Would not the command of the army have devolved upon you if any thing had happened to General Whitelocke?

A. Certainly, as the senior staff officer present, according to the custom of the service, but not in consequence of any dormant commission or provision for that purpose.

Q. Had you any confidential communication with General Whitelocke of the intention of government in sending out the expedition? and was General Whitelocke's plan of operations communicated to you so as to enable you to assist in carrying it into execution?

A. General Whitelocke was pleased to shew me the instructions under which he acted in an early period of the voyage. They were voluminous, and I have a very indistinct recollection of the matter contained in them. I have already stated that I never heard of any thing like a plan of operations on the river Plate.

Q. Were you ever in orders as second in command, or had you a letter of service appointing you as such?

A. I had no other letter of service but that of Major-general on the staff. On General Whitelocke's arrival at Monte Video, in notifying to the troops his own appointment as Commander-in-chief, he described me as a Major-general second in command. In the latter part of the service I commanded a brigade.

Q. Can you state to the Court why the attack on Buenos Ayres was not made on the 4th?

A. Not correctly.

Q. Did you receive any general, and what information from General Whitelocke on that point?

A. On the 4th, when the orders were given out, it appeared to be the general wish of the officers who were to command divisions that they should have the remainder of the day to reconnoitre their posts; and then it was, I believe, that General Whitelocke had definitively fixed the following morning for the attack. I have already stated that he informed me that he meant to summon the town a second time, and would do so before he made the attack. He did so on the morning of the 4th.

Q. Having stated that General Whitelocke joined the advanced guard about two o'clock on the 3d with the main body, can you tell why the town was not summoned that same evening?

A. I cannot.

Q. Were you at any time informed by General Whitelocke why the attack was not made on the 4th?

A. I have stated all that I knew on that subject already.

Here a question was proposed by one of the members of the Court, the purport of which was not made public, and upon which the Court was cleared. After about forty minutes deliberation the question was withdrawn, and the proceedings were resumed.

Cross-examined by Lieutenant-general Whitelocke.

Q. Did the information you received, or the knowledge you had of the disposition of the inhabitants, induce you to think it would be safe to leave a small body of troops at Colonia?

A. Colonia was nearly deserted by its inhabitants, therefore it was of no moment. The information I had went to considerable bodies of armed men which had appeared in the neighbourhood.

Q. What was the disposition of the

inhabitants of the country, and what information were they, more or less, inclined to give us?

A. More implacable hostility than I did conceive possible till I saw it; except one smuggler, who was, I believe, by birth a Portuguese, I do not think there was one man attached to the British cause in all Spanish America, as far as my observation went.

Q. Were not the civil authorities considered, according to the best information, the persons who caused the insurrection against General Beresford? and were they not considered most completely hostile to us?

A. Certainly. I considered it so. I understood the court of Audiensia usurped nearly the whole power and authority of the country.

Q. Did you not consider the court of Audiensia no part of the civil authorities alluded to in the summons?

A. I did.

General Whitelocke. "As I shall make use of General Gower in the course of my defence, I shall not trouble him with further questions at present."

Examined by the Court.

Q. Did General Whitelocke inform you how you were to provide supplies for the men after the provisions with which they landed had been consumed?

A. I had no orders on that subject.

Q. After the arrival of Gen. Whitelocke at Monte Video, in what manner was the interval employed, and what measures were adopted to enable the army to proceed in the attack of Buenos Ayres? What information was obtained with respect to the country he was to pass over? What measures were taken to procure horses for the cavalry, for the artillery, and for transporting provisions?

A. General Whitelocke arrived in the Plate on the 9th May, on the 11th he took the command of the troops. The force was then divided into two divisions; the one stationed at Colonia under Lieutenant-colonel Pack of the 71st regiment, consisted of a subaltern officer's detachment of artillery, a few dismounted dragoons, three companies of the 95th, the light companies of the 38th, 40th, 47th, and 87th, with four or five companies of the battalion of the 40th. The other division of the army occupied Monte Video with its suburbs, and some detached posts. On the 20th May, General Whitelocke ordered me to communicate to rear-admiral Stirling, then the senior naval officer in the Plate, that he wished an arrangement of transports to be made for the reception of 10,000 men, on their passage to Buenos Ayres; for tonnage for eighteen pieces of light artillery with their proportion of ammunition, carriages, &c. for two batteries of heavy artillery, and, I believe, for provisions for twenty-one days for 10,000 men. The estimates for dead weight and stowage of the officers at the head of each branch of the service were collected and delivered to rear-admiral Stirling. All the horses which could be obtained on the left bank of the Plate between Colonia and Monte Video were procured; but the enemy had driven that country with so much success, that very few of a tolerable description remained; and even these, never having been accustomed to eat dry forage or corn, were almost useless. Eight transports were cleared for the reception of such horses as were procured, and General Whitelocke called upon all British subjects there, whether officers or civilians, to give up all the horses that could be possibly spared for the public service. What number were procured, or for which description of the service, I do not know. On the 24th May, there was a report of a very considerable corps of the enemy, estimated at four thousand men, having crossed from Buenos Ayres, and it was stated that the merchants had lost all power of transporting the merchandize into the country, from being constantly plundered by these people. On the 12th June, Lieutenant-colonel Backhouse, who commanded an outpost at Calalines, retired to Monte Video, owing to the number of the enemy that appeared in that vicinity. During the whole of that period, the garrison of Monte Video were employed in embarking their various stores, and in furnishing the working parties with materials for the defence of the place. I was present at General Whitelocke's quarters at various periods during that time,

when he examined three or four men who professed to know the country between the Ensinada and Buenos Ayres, the vicinity of Chiles, and all the various points where it was possible to land. On the arrival of the Fly sloop of war, Lieutenant-colonel Bourke was sent up the river to reconnoitre the banks: he reported, on his return, that the Ensinada de Barragon appeared the most advantageous place for landing, and the enemy did not, at that time, appear to be at all jealous of him.

Q. Were there any means taken to procure a supply of provisions on the march, beyond that for the three days, as already mentioned?

A. Not that I know of.

Q. Was it communicated to you in orders, or in any other manner, the movement of the rest of the army, when you were ordered to advance on the 29th and 30th?

A. On the 29th I was ordered not to move till the main division of the army came up. On the 30th, the same thing. General Whitelocke then asked me if I could reach the village of Reduction that night. I told him it was impossible for me to say, but I would try. He then acquainted me that he would remain at the point from which I was going to march, until the morning. When I had marched about four miles, I found the battalions of General Lumley's brigade so totally exhausted, that, if I had advanced further, I should have left the greater proportion of them behind. I ordered them to remain there till next morning. I reported the circumstance to General Whitelocke, and he approved of what I had done. General Whitelocke joined me between nine and ten o'clock on the first of July with his division, and the two divisions marched together for a short distance. It was evident that the column would be very late before it could reach Reduction, supposing that place was at the distance described by the guides. The men, particularly those of General Lumley's brigade, were very much exhausted, and General Whitelocke, to give them a chance of getting on with more rapidity, ordered all the blankets of the army to be thrown down, and that, with the army thus lightened, I should attempt to get towards the Chuelo, beyond Reduction.

Adjourned until to-morrow.

FOURTH DAY.

TUESDAY, FEBRUARY 2.

The Court being met, pursuant to adjournment, Major-general Gower was again called, and further examined by the Court.

Q. Was the country, from the Ensinada to Buenos Ayres, so little frequented, that a perfect knowledge of it might not have been obtained at Monte Video, as well as men found who might have been forced to guide the army?

A. I should conceive that the road from the Ensinada to Buenos Ayres, in consequence of the former being the place at which all the large ships employed in the commerce of the latter were laid up, was well known. I was not at all employed relative to obtaining intelligence on that point. For my own private information, I tried to collect what I could, but could not find any body that could speak very exactly on the subject at Monte Video.

The question being repeated, Lieutenant-general Sir John Moore said,

"We all know that there may be found a thousand persons who know the road from London to Windsor perfectly well, and yet would not be inclined to point it out to an enemy; but might be made to do so by putting a halter round their neck, and threatening to hang them. What is meant by the question is, was there nobody to be found whom you could force to guide the army?

A. There was but one man who ever professed to know the road; and he was carried up with the army. All the others I pressed upon the subject, stated, that they had always gone in small vessels to Buenos Ayres, and never landed at the Ensinada de Barragon.

Q. Was there much intercourse between Monte Video and Buenos Ayres before the former fell into the hands of the English?

A. I conceive, of course, there must

have been a communication, as Buenos Ayres was the seat of government, and Monte Video dependent upon it. Of course there must have been an intercourse between the principal and its dependent government. The usual mode of communication was by water. I do not believe the people ever go willingly to the Ensinada to travel from thence by land to Buenos Ayres.

Q. The march of the army on the 29th, and 30th June, and 1st of July, seems to have been in two divisions on the same rout. Did you conceive it to be so on the second?

A. I did, with the exception of a small variation which must have happened, from the main division, as well as my own, commencing its march from the left flank, from a point about three miles in the rear of the one from whence I had marched. I had a specific duty to perform, and did not consider that I had any discretionary power, and certainly expected the army to follow me.

Q. With the corps composing the advance guard, had you a detachment of the 17th light dragoons or carabineers, mounted? If you had not, state where these corps were, and to what column attached?

A. I saw, on the 29th, about thirty horses, in the possession of the 17th light dragoons, that could be called fit for duty. What became of the rest I know not. Of these I had twelve, and in two days time there were not six of these horses fit for duty. The only mounted carabineers I had were three orderlies on my own horses. The horses of that country never eating dry corn, are soon knocked up.

Q. Was the country such as to have admitted the march of the army in several parallel columns, and thus have shortened the time of march?

A. From the Ensinada to the heights I never could find more than one road, though I tried in every direction. From Ensinada to the Chuelo every part of the road was sufficiently good for the march of troops from the heights of the Chuelo: it seemed equally fit in all parts: there seemed to be not more impediment in one place than in the other: and all the roads from Cheulo to Buenos Ayres seemed equally practicable in all directions: and there were then two roads to the suburbs.

Q. Can you state the reason why the passage of the river was not attempted at the bridge?

A. I do not know exactly. The bridge was described to be of wood, and in the direction in which it was supposed to lie, there was a very large fire, which the officers, who had been before at Buenos Ayres, and the guide who was with me, believed to be the bridge on fire.

Q. Do you know whether the bridge was or was not reconnoitred?

A. Not by me certainly. I did not arrive until nearly dark the night before, and I received my orders to march at nine o'clock next morning. The bridge from my post was, I believe, about the distance of five or six miles: I do not know whether it had or had not been reconnoitred.

Q. Was it not possible to ascertain whether the bridge was or was not on fire?

A. Certainly: by marching a considerable body of men towards it, we could have ascertained it; but the enemy had such bodies of cavalry between us and it, that nothing but a considerable force could have approached it.

Q. Had the march of the army been in several columns, might not the whole have arrived at the Chuelo on the 2nd, and passed it with the advanced guard?

A. I know no reason why they should not. The regiment least capable of marching was the 88th, that was with me; they had among them a vast number of very young men, many of them had been nearly a year on board transports. The 36th, being a stouter body of men, did not fail so much, but were very much fatigued. The old regiments that were with us, who had been inured to hard labour in that country, were evidently much more equal to the fatigue than men so lately landed.

Q. Do you think any material advantage might have been derived by the whole army passing the river and attacking the enemy on the 2d?

General Whitelocke objected to this question, as merely a question of opinion and not of effect. The Judge Advocate resisted the objection, upon the grounds

that it materially went to a particular act. The question, therefore, was repeated.

A. I believe they would have carried Buenos Ayres. Had there been a force to have supported the impression made by the light battalion, I am convinced we should have carried the place.

Q. Did you report to the commander of the forces the want of provisions on the 1st of July? and in what manner did you propose to provision your corps?

A. On the 1st of July General Whitelocke saw my corps himself, and remarked the very exhausted state of the 88th regiment. He told me he expected I should catch a sufficient quantity of bullocks with the advanced guard, not only to supply myself but his column also.

Q. Could not provisions for the army have been conveyed in boats, and a communication opened with them?

A. The only point, I believe, between the Ensinada and the Chuelo, where provisions could be landed, was under the village of Reduction: by the description I have had of the river, I believe, the victuallers themselves might have come close in. What difficulty the passage of the morass, from the village to the shore, might present, I do not know.

Q. In the orders delivered to the general officers on the 4th of July, for the attack on Buenos Ayres, what station was allotted to you?

A. I was ordered by General Whitelocke to be at the Coral before the hour at which the cannonading was to commence, and to wait there till he arrived, and then I should receive his orders.

Q. Were the orders or instructions given to the general officers on that morning verbal or written?

A. The orders to me were verbal. Each general officer and each field officer copied the order.

Q. Was it then, or at any other time, communicated to the general officers and officers commanding in the attack, the station of the commander of the forces, in case they should have to report to him?

A. I do not remember that it was. It might have been without my knowledge. It was not communicated at the time of delivering the orders, to the best of my recollection.

Q. Did you yourself, on the morning of the 4th, express a wish to postpone the attack till the 5th, in order to reconnoitre your post?

A. I did not.

Q. Did you receive any, and what orders to collect horses for the artillery at Colonia?

A. Certainly not. The order I received was verbal. I do not remember it literally, but the impression it made on my mind, and which I still have, was, that the great object of my being sent to Colonia was to expedite the junction of that division of troops in the shortest possible time, lest bad weather should set in, and the transports be damaged in their then exposed situation.

Question by the President. As second in command, were you consulted on the mode of attack to be made on the town of Buenos Ayres?

A. I was. On the evening of the 3d, General Whitelocke sent an order that I should come to his quarters. He then asked me if I had any idea how the town should be attacked? I stated, that having marched for that purpose the preceding day, I had thought upon the subject. He asked me if I had put my ideas upon paper; I said I had, and he desired to see them. I had not the paper then with me; but he directed me to bring it, which I did, and delivered it to him.

Q. Was there any considerable variation in your plan and that adopted by General Whitelocke.

A. Yes. Mine having been made in the march, before I knew that the 40th foot and 17th light dragoons would not be there, I had included them.

Q. Was there any other difference in the plan?

A. My first idea was an attack in columns from a central point. There would have been a consequent deployment previous to the attack; but as the attack was made in line, consequently there was no deployment. The basis of my plan was very similar to that of General Whitelocke, and I cannot call the difference very great.

Q. What was the distance between the village of Reduction and your division on the night of the 1st of July?

A. Between three and four miles.

Q. Was the nature of the country such

that the rout taken by your corps could have been seen at the village of Reduction on the morning of the 2d?

A. I should think so. I saw the principal column during the greater part of the day, and apparently after they had quitted the village of Reduction. I suppose, of course, they could have seen us.

Q. Was there a free communication between the main body of the army and the troops under your command on the evening of the 1st?

A. There was no communication on that night. During the whole period of the march it was impossible to communicate with any tolerable safety.

Q. Had you any guide with you on the morning of the 2d, to shew you the way to the Chico-pass?

A. I had a man with me who professed to know the road. Brigadier-general Craufurd also captured an Indian on the previous night, and both seemed certain of its existence, but not of its exact position.

Q. Did you ever hear on which side the river General Liniers had taken his position, in order to defend the passage of the bridge?

A. His batteries were certainly all on the western side. I have heard it reported, that he advanced over the bridge with some infantry, but do not myself believe that any considerable number passed in our presence.

Q. Having stated that Buenos Ayres would have been carried had General Whitelock followed your line of march, and passed the Chico-ford on the 2d, when you did; state the grounds of that opinion.

A. It is grounded on the information which I then procured from the persons, as I before stated, that the whole of the enemy's attention and means of defence, had, at as late a period as twelve o'clock on that day, been directed towards the line of the Chuelo and the Plata: and consequently the entrance of a body of troops into the town by the western side, was, by them, totally unexpected and unprovided against.

Q. Was the plan of attack ordered on the 4th, objected to by any of the principal officers of the army?

A. Certainly not. I believe every body was confident of success.

Q. When General Whitelocke joined you on the third, did he assign any cause why he did not give you that support you had been induced to expect, from the message delivered to you by Lieutenant-colonel Bourke?

A. I understood from him, that the cause of his not arriving sooner at the Coral was, that the guide had lost his way.

Q. Were the officers encouraged by any thing that fell from the commander of the forces, to state any objection to the plan of attack, if they had any?

A. Certainly; and I did not hear the slightest disapprobation.

Q. Did they express their approbation of it?

A. I was so particularly situated with the commander of the forces, that I had very little personal communication with any of them. With the few I had, they did express their approbation.

Q. What was the peculiar situation to which you allude?

A. I have no difficulty in answering the question. General Whitelocke was extremely jealous of the interference of any of the inferior officers; and I had it remarked to me on that day, that he had expressed it to the commanding officer of engineers, by forbidding him to speak to me, because, he said, I had been paid more attention to than himself. Therefore I was precluded from any communication with them, and would not venture to act in any way without a specific order.

Q. Will you state whether you recollect any conversation taking place among the general officers, respecting the orders of the 4th of July, or any observations made by Brigadier-general Lumley, in the presence and hearing of General Whitelocke.

A. There was nothing relative to these orders passed, but in the presence and hearing of General Whitelocke. There was a very general discussion relative to the hour, as the degree of light, and the time of the attack, was considered of great importance. To the best of my recollection, there was a question put by General Lumley, whether the respective columns were to persevere in arriving at

and maintaining the respective points to which they were directed, under any unforeseen circumstances of loss or difficulty? And it was answered by General Whitelocke himself, that they were not to risque loss; and, if it was necessary, they should deviate or go away from the point: they were to take care not to cross the fire of the artillery which would be posted in the streets. I think there was some more general conversation, but I am not quite correct from whom or to what effect.

Q. Were there any orders given for the point of retreat, if retreat should become necessary?

A. No general ones that I know of. I understood that the Residencia, which was considered a strong defensible position, was the place for the right wing to fall back upon in case of accidents; and the Plaza del Toros, if it was carried, for the left flank.

Q. Explain what you mean by saying there was an understanding that the places you mention should be the places for each division of the army to retreat, to according to their situation?

A. I considered that it was supposed to be desirable that the army, for which there remained no more provisions, should at all events, if possible, get into such a situation, that they might have a chance of communicating with the navy, points such as the Residencia and Plaza del Toros offered. The plan was to direct the retreat of the columns out of the town to the westward. I believe this to have been the reason that it was more desirable, if possible, for each wing to give way to its outward flank, if they gave way at all, than to come directly out of the town to the Coral.

Q. Then did your understanding arise from your own conviction that these points were most proper for the divisions to meet, or was it from any conversation stated by General Whitelocke at the meeting of the officers?

A. From both. I understood myself that they were points so good, that if once obtained our troops could not be driven from them, and the event proved the fact; they were the principal object of attack; I understood them to be points of support to each of the wings to which they were to retreat by their outward flanks.

Q. Was there any place pointed out, in case of failure of attack, for the army to retreat to, given out in the general orders, or otherwise?

A. None that I know of.

Q. What force was appointed to be left on the western side of the town when the general attack was to be made?

A. Four troops of carbineers dismounted; eight troops of the 9th dragoons dismounted; one or two companies of the 88th; and a very small picket from each corps, to take care of their respective packs.

Lieutenant-colonel Richard Bourke sworn and examined.

Q. Were you chief officer in the quarter-master-general's department, employed in the expedition against Buenos Ayres, under Lieutenant-general Whitelocke?

A. I was.

Q. Relate the previous measures adopted by General Whitelocke, and the information received by him, from the time of his arrival at Monte Video, as commander of the forces, to the night of the 4th of July, as far as came within your knowledge, which, without binding you to time or method, may be described according to the memorandum now put into your hand.

The Judge Advocate here put a written paper into the hands of the witness, to guide him in the leading points of his examination, and intimated to the Court, that as Lieutenant-colonel Bourke had been wounded in the face at the storming of Monte Video, the consequence of which gave him an impediment in his speech, he hoped for the indulgence of the court.

Lieutenant-colonel Bourke then proceeded in his narrative as follows:

A. The evening that General Whitelocke landed at Monte Video, I was introduced to him by Brigadier-general Sir Samuel Auchmuty, who previously commanded that place. On the succeeding day I attended at the Government-house, and had some conversation with General

Whitelocke. He told me he had heard of the excellent state of things at the garrison from General Auchmuty, but was much disappointed that the cavalry was not so well provided with horses, which was contrary to his expectations. He then introduced me to General Gower, as second in command, with whom, he said, I should discuss those points which I had already spoken of to his Excellency. I frequently afterwards had a good deal of conversation with General Gower upon the difficulty of quartering the troops, from the number coming from England. He told me that Captain Thompson, of the Fly Sloop, was expected from the Cape of Good Hope, with Brigadier-general Craufurd, who was to have left the Cape on a certain day in April, and might be expected shortly in the river Plate. I believe the day after the arrival of Captain Thompson, the commander of the forces sent for me, and said, that as General Craufurd was expected so soon, he was anxious that I should go up the river, and examine that side on which Buenos Ayres was situated, and look out for a convenient place for landing the forces he intended to take with him for the attack against that town. I was also instructed to go to Colonia, in order to ascertain if that would be a convenient place of rendezvous for the ships, and to confer with Colonel Pack, who commanded there, on the possibility of landing small corps of troops more to the westward than Colonia, in order to cut off a body of the enemy which was then on the left bank of the river. The same day I received these instructions from the general, I conferred with Rear-admiral Stirling, and received from him all the information he could give, respecting the possibility of landing on the opposite side of the river, and to consult, at the same time, with the American, and with Colonel Dion of the 38th, who had been at Buenos Ayres with General Beresford. I had before stated, that from every thing I had heard on the subject, the Ensinada de Barragon was the only place where the troops could be landed under cover of the ships of war, without going down, at least, one hundred miles eastward of Buenos Ayres. In consequence of this, the general particularly directed his enquiries to the situation of the Ensinada, and the state of the roads between Buenos Ayres and that place. It was stated that the Ensinada was the place where goods were often landed, and from thence conveyed up to Buenos Ayres in wheel-carriages: that evening I went on board the Fly sloop, and proceeded the next day up the river with Captain Thompson. We examined, on the succeeding day, a considerable extent of the coast, from at least sixty miles eastward of the Ensinada, as far as six or seven miles westward of Buenos Ayres: the result of which examination was, that we believed that there was no place where the troops could be landed, under cover of the smallest of the ships of war, except the Ensinada de Barragon. We were particularly anxious to ascertain if a landing could be effected to the westward of the town; but Captain Thompson was decidedly of opinion, that the navigation was too intricate to render it at all safe to conduct a fleet of transports to that point. After having gone over to Colonia, and ascertained that a large fleet could rendezvous in that harbour, I returned to Monte Video on the 27th or 28th May. I had conferred with Colonel Pack on the other instructions which the General had given me: I found on my return that General Gower had arranged several matters with Admiral Stirling relative to the embarkation of the troops from Monte Video: that it was settled that the transports were to be victualled for three weeks: that supplies for 10,000 men were to be embarked by the commissary general: that eighteen light guns were to be taken up, with some heavy pieces and two mortars. The whole of the ordnance arrangement was left to the commanding officer of artillery. I found that the General had given up all idea of mounting the whole of the cavalry.

Adjourned until to-morrow.

FIFTH DAY.

WEDNESDAY, FEBRUARY 3.

The court having met pursuant to adjournment, Lieutenant-colonel Bourke was again called, when the Judge Advocate suggested the propriety of reading the two first charges to each of the witnesses, according as they should be sworn, in order to draw their particular attention to the specific matter contained in them. The charges were then read, and the Judge Advocate proceeded to examine the witness.

Q. Do you know whether there was any chart or survey made of the Plata, between Monte Video and Buenos Ayres?

A. There was a survey made of the river by one of the officers of the navy, but no survey of the land.

Lieutenant-colonel Bourke then resumed his narrative as follows:

I cannot exactly state what measures had been taken to procure horses: however, in appropriating transports to other services of the army, it was found that but five vessels remained to be used for horses. On enquiring of Captain Thompson of the navy, the commander of the forces seemed disposed to think the Ensinada de Barragon the most proper place for landing the troops against Buenos Ayres. The whole of the information which was received respecting that place, and the roads and country from thence to Buenos Ayres, inclined us to think the distance from the Ensinada to Reduction was about 20 miles, and from thence to Buenos Ayres nine miles. That there were three different roads: the one on the sands, one through the marsh, and the third on the heights; the last was said to be the best. That in order to reach the heights, some marshy ground must be passed through, and which the waggons and carts of the country commonly travel. The heights being once gained, the roads were firm and good, and there were but very few farm houses on the roads; nor could the troops expect to find shelter short of the suburbs of Buenos Ayres. That from Reduction the higher road led over the bridge; but that by making a considerable *detour* to the left, we might find a place to go round the head of the Rio Chuelo. The whole of this information was laid before General Whitelocke, the greater part of which was contained in a memoir written by a person who accompanied the expedition. With regard to the projects of the enemy, it was understood that he intended to oppose our landing at Chelmir port, or at St. Segro, to the west of the town; that he also meant to dispute the passage of the Rio Chuelo. With regard to his force, the reports were so various and contradictory, that I believe no credit was attached to any of them. The force that was landed at the Ensinada de Barragon on the 26th of June, consisted of 8522 rank and file, including 150 mounted dragoons. It was provided with eighteen pieces of artillery, and 206 horses and mules for their conveyance; there was also a large quantity of ordnance stores embarked, and a reserve of artillery of some heavy pieces, mortars, and howitzers: there were entrenching tools for one thousand men; six pontoons, and camp equipage for ten thousand men: but no horses had been embarked for its conveyance. The embarkation of the troops and means of conveying them on shore was not in my department; but I understood there was provision for ten thousand men for two months at least; and I had been applied to by the Commissary-general for a ship to carry mules and carts for their conveyance. I should observe, that in the 8522 men were included 1580, which had been brought over from Colonia on the 25th and 26th June. I shall now proceed to describe the march of the army from the place of landing, to their position on the 3d of July.

The first of the troops were landed about half past nine o'clock in the morning of the 28th, forming General Craufurd's light battalion, consisting of eight companies of the 95th, nine light infantry companies, with some pieces of artillery: I marched with the light brigade, under the command of Major-general Gower, about four miles from the landing place, to the heights. Before sunset that evening, all the infantry were

landed; several field-guns, with their ammunition, carriages, &c. and some staff-horses. The whole of the forces, except General Gower's corps, were stationed at the village of Barragon. This evening, the General stated it to be his intention to march the next morning at nine o'clock to the heights with the main body of the army, and desired me to remain behind, to hasten as much as possible the disembarkation of horses and stores that still remained on board. He stated also, that he wished to have a considerable supply of bread and spirits sent up to the heights; and he authorised us, if the Commissary-general was not sufficiently provided with the means for conveying it, to have pack-saddles put upon some of the cavalry horses, and the provisions conveyed in that way. In consequence of this, I believe about forty horses were turned over to the Commissary-general. By sun-set in the evening of the 29th, every thing was landed that could be conveyed. Early on the morning of the 30th, the artillery and commissariat-stores proceeded to the heights. On the march, the officer who commanded that part of the artillery shewed me an order from Captain Frazer, who commanded the whole, to destroy the Spanish guns, if he should find any difficulty in bringing them through the marsh. I proceeded to join the General on the heights, and I found that Major-general Gower had marched for Reduction, having under his command four companies of the 95th, and the light battalion under Brigadier-general Craufurd; the 36th and 88th regiments, under Brigadier-general Lumley; four six, and two three-pounders, with some mounted cavalry. I found the General about to move with the main body of the army, to the ground which I understood had been occupied the evening before by General Gower. He ordered the dismounted part of the 17th light dragoons, and the 40th foot, to remain on the heights, under Lieutenant-colonel Mahon, to escort the artillery when it should come up: he then moved forward with the main body about five miles, when the army was stationed at three farm-houses, about two miles from each other. The 38th was in the rear, the 5th and 87th in the centre, and Colonel Mahon's brigade in the front: that part of Colonel Mahon's brigade which was with the main body of the army, consisted of the 6th dragoon guards, dismounted; 9th light dragoons, dismounted; and the 45th foot. We received information that the artillery had all reached the heights, but that the seamen and horses were too much fatigued to bring it forward on that day. An express arrived from General Gower, stating, that he had halted, I think, about seven miles in our front. He said he had marched too late in the day to reach Reduction the same evening; that he was anxious to take his corps fresh from that place, because he had seen some Spanish officers reconnoitring; and he conceived that the village might be occupied by the enemy; further stating, that if he did not hear from the General, he should proceed in the morning for Reduction. In answer to this, the General ordered him to halt where he was till he himself should arrive with the main body, which he hoped would be early on the next day. An order was sent this evening to Colonel Mahon, desiring him to proceed as far as he could next day on the road to Reduction. On the 1st of July, the main body moved forward before sunrise, and joined General Gower about 11 o'clock. After some private conversation between General Whitelocke and General Gower, the latter moved forward with his corps; and the main body halted for a full hour. I could not ascertain the exact rout General Gower was to take, but about one o'clock the main body of the army moved forward for Reduction: a small advance guard was posted for our column, consisting of four companies of the rifle corps. In marching for Reduction, I went forward with the advance; I found some of our own dragoons in the village, and then heard, that General Gower had passed through with his division. Shortly after the General came up to the village, we received a dispatch from General Gower, in which he stated, that having passed through Reduction with little opposition, he should endeavour to push on to the Rio Chuelo that evening, and, if possible, send a small corps across the river. A little before sun-set, the main

body of the army arrived at the village, and were stationed in front of it: some time after sun-set, another dispatch arrived from General Gower, stating that the ground in his front appearing very marshy, he had not passed over the Rio Chuelo; that he believed the bridge was about five miles from him. Shortly after we reached the village of Reduction, an officer arrived from the fleet, to whom General Whitelocke gave some directions about landing some bread and spirits for the army the next day. He said it was his intention to halt the next day, for the purpose of allowing Colonel Mahon and the artillery to join him, and that the whole of the army might be supplied with bread and spirits. It was also settled, that General Whitelocke was to proceed in the morning to the advance corps, from whence he was to go with an escort from General Craufurd's brigade to reconnoitre the position, which we understood the enemy occupied on the Chuelo. It was also settled, that the fords over the river should be examined; and it was imagined, that from this reconnoitring party some project for an attack should be formed on a sure basis. An order was sent in the evening to hasten Colonel Mahon forward on the next day. On the 2d of July, about two o'clock in the morning, the General called his secretary and myself, and said, he had changed his mind, and would order General Gower to move forward, as he was anxious the troops should get into cantonments, which he understood could be had in the suburbs of Buenos Ayres. He directed a letter to General Gower, the contents of which I cannot positively speak to, but to the best of my belief, General Gower was ordered to proceed with the corps under his command, and pass the Chuelo at the first ford above the bridge he could find practicable. He was to take up a position on the heights westward of the town, and to enter into a communication with the Spanish Commander, on the subject of surrendering the town, and I think he stated on the terms on which they had already discussed. After some further conversation with the General, in which he stated to me our extreme ignorance of the country, I pressed on him the necessity of reconnoitring the river, and I was then ordered to take the letter to General Gower at day-break the next morning: I did so accordingly; when General Gower complained to me, that the 88th regiment, then under his command, was extremely unsteady and very much fatigued, and seemed altogether dissatisfied with the order he had received: I stated to him that the distance between the two corps was but short, and it might be extremely advantageous to communicate with the General on the subject. He told me, he had received a peremptory order to march, and should obey it. He then sent for Brigadier-general Craufurd, and an American who knew the country, and consulted with them on the proposed march. He particularly questioned the guide as to the Passo-Chico, which was stated to be the first pass above the bridge. It was described as a very bad pass, and about five or six miles from the Major-general's division. As far as I can remember, the result of this conference was, that the General would not cross the Chico-pass, but would move along the heights, and endeavour to find a more practicable ford. I cannot say, but to the best of my belief, General Gower again expressed a good deal of uneasiness at the march he was ordered to take; I accordingly told him I should represent the matter to the General, and I thought it likely he would have the whole army to support him. On this subject I cannot speak with any certainty, as the General had not communicated to me whether he intended to march that day or not. General Gower was about to answer General Whitelocke's order, and gave me some paper to write down the terms he was to offer to the Spanish Commander. Previous to my leaving the General that morning, the General had communicated to me what those terms were, and I accordingly wrote them down. I cannot exactly state them, except that particular one for the immediate restoration of the 71st regiment, and the prisoners taken under General Beresford. I returned to General Whitelocke, and met him half way between the two divisions: he asked if General Gower seemed pleased with the order he received. I stated the com-

plaint respecting the state of the forces, and submitted to the General the propriety of supporting the advanced brigade. The General first proposed sending a single regiment, but in a short time afterwards he ordered the whole of the army to march; he then desired me to write a letter to the Admiral, stating, that the whole army was in motion, and proceeding westward of the town, desiring that means might be taken for landing provisions there, and that the ships which conveyed the heavy artillery should be sent up likewise. He then desired me to conduct one of the guides (the same man who had written the memoir on the roads, and who appeared to be the most intelligible) to the head of the column, to direct us by the shortest rout to a practicable pass over the Chuelo. He stated, that about two miles distant, in a south-west direction, we should arrive at a place where the Chuelo was quite passable: he assured us he was perfectly well acquainted with the country, and would conduct us. General Whitelocke, after some conversation with this man, desired me to conduct the column under his direction. We marched about half past ten o'clock, and proceeded about three miles in a south-western direction. A little before twelve o'clock, I saw the column under General Gower at about three miles distance, proceeding nearly at right angles to our line of march. I stated this to the guide, who told me, that as soon as we had crossed a stream called Rio de Macial, we should move in the same direction: we accordingly crossed this stream, and proceeded pretty nearly in the direction the guide had stated. He then shewed me a high tree on a hill, from which he said we should, at a short distance, find the road. About half past two o'clock, as we were passing by the farm-houses, the General proposed to halt for the day. I stated to him the information the guide had given me as to the distance of the pass; and I also stated to him, that from the communication I had that morning with General Gower, I was convinced, that unless he was ordered to halt, he would cross the river, and proceed to the heights westward of the town. The General had not then decided whether he would halt or not, when Sir Samuel Auchmuty came up, and to him he referred the question: Sir Samuel immediately decided for halting, stating, that there were large quantities of sheep close to these houses, and that there was firewood in plenty to dress meat. The army was accordingly halted, and formed into two lines, with Sir Samuel Auchmuty's brigade in front, and Colonel Mahon's in the rear: an officer, with some dragoons, was sent back to Reduction, to order Colonel Mahon to halt there until further orders. A little before sun-set this evening, we heard a cannonade apparently near Buenos Ayres, the steeples of which had been in sight since we left Reduction. On the 3d of July the army marched a little before day-break, and crossed the ford the guide had pointed out. We proceeded towards another ford, which he told us was the Passo de Zamora: he went on a mile and a half in front of the line, in order to seek a pass. The water was so deep, he was obliged to swim his horse over. We proceeded about a mile further down the stream, and found a safe pass, which the army crossed between nine and ten o'clock. This pass was extremely narrow, and the water nearly under the men's arm-pits; nor was the whole of the army over till near one o'clock. About a mile and a half from the pass, we met an officer sent by General Gower, who stated to us, his having been engaged the evening before, and conducted us to General Gower's division, which was about a mile and a half in front: we found, that the advance posts had been engaged all the morning, and I understood that he had just before ordered them to withdraw, in order to induce the enemy to attempt an attack on the line. I conducted General Whitelocke to General Gower's quarters, who had a map of Buenos Ayres on his table; and we were desired by General Whitelocke to point out the best position for the troops then come up, observing, that General Gower having been longer on the ground, was better acquainted with the situation. General Gower proposed that Brigadier-general Auchmuty's brigade should be stationed on the left, and extend it-

self as far as the covert of the Recolita, on the banks of the river Plate: but as the distance was so extensive, he was only directed to place his brigade in that direction. Colonel Mahon's brigade was ordered to the right. As the enemy did not advance in the way General Gower seemed to expect, the advance posts of the army were ordered to be resumed; I went to the right of Colonel Mahon's brigade, in order to see how the men were placed; and retiring from thence about five o'clock, I called at General Gower's quarters, and he shewed me a plan of an attack on the town, which he appeared to have just finished, and which was completely detailed in all its parts: it was the same which was given out the next day in orders, with some very trifling alterations. I proceeded to inspect the advance posts at the centre, and left General Gower going, as I understood, to head-quarters with the plan. I reached head-quarters after dusk, and in the course of the evening General Whitelocke asked my opinion of the plan of attack, which was to take place on the next day at twelve o'clock: I stated my objections to one clause, which directed, that no prisoners should be made, as I conceived in an action of that sort, in an open town, it would be impossible to prevent a great deal of butchery. I said I thought the plan would succeed, but it appeared to me to be completely a new case, as I did not remember to have heard before of a similar order of attack; the General said, he would leave out the order for making no prisoners, and would summon the town the next morning before he attacked it. He admitted, that the plan was novel, but said he was compelled by circumstances to adopt it. I understood that an order was sent to Reduction, ordering Colonel Mahon to march on the next morning towards the bridge over the Chuelo, and there to wait for orders. On the morning of the 4th, the Brigadier-generals and some commanding officers of regiments attended at head-quarters, when General Gower explained to them the order of attack, and shewed them the plan of the town: shortly after that, the Adjutant-general and myself were sent out of the room, and I supposed the opinions of the Brigadiers were going to be taken on the plan of attack. This conference soon broke up, and the attack was ordered to take place at half past six o'clock the next morning. I received no orders from Lieutenant-general Whitelocke or Major-general Gower, on the subject of the attack, but I went on horseback for the purpose of endeavouring to reconnoitre the posts through which the columns were to move forward. I then found the advance posts were engaged, and that the same plan was adopted for drawing the enemy out of the town that had been practised without success the day before. It was not till three o'clock in the afternoon that the advance posts were resumed, and I had just time before dark to shew the Brigadier-generals the road through which the wings of the brigade were to march into the town: in this I was assisted by one of the guides, who shewed me the street which led to the north-east passage, on the point of Departure, and I found a considerable variance between the plan and the ground: and I reported to General Gower, that I believed the columns could not be placed in the way he seemed to wish; I thought it also my duty to state to him, that if the column proceeded in the way he had ordered, many would probably retire into the streets that ran at right angles, and afterwards closing on their columns, would possibly cut off all communication between those within the town and those without. General Gower made light of this objection. In the course of the day the commander of engineers brought me a return of all the tools and instruments he had collected for breaking open doors and windows, and I desired him to give those that appeared most effective to the light battalion and artillery corps, which I understood were to enter the two principal churches of the town. Late in the evening I met General Gower returning from head-quarters: he asked me, where I thought the Lieutenant-general should place himself in the morning? I stated, that I thought he had better proceed to the left with the 38th regiment, as there were two brigades to attack the town on that side: and that he (General Gower) might perhaps be

stationed on the right, as the centre was intended for the point of false attack. He informed me that General Whitelocke had ordered him to remain with him, and that he had named the centre as the proper station. I do not remember any thing further of consequence that occurred this day: I believe there were one or two orders sent to Colonel Mahon, but cannot say to what effect.

Q. When you went to Colonia, were you directed to enquire what measures had been taken to provide horses?

A. I do not think I was. I believe at that time the horses at Colonia were in very bad condition.

Q. What number of horses did you find there provided for the use of the expedition?

A. I do not believe any horses were ever provided there for the use of the expedition: there had been a squadron of dragoons stationed there for some time before.

Q. Do you know what number of horses were there at that time?

A. I cannot exactly state. I had no returns; but I believe there were about 150.

Q. Do you know whether any horses had been properly trained for the army?

A. I cannot say.

Q. How many transports were provided for the conveyance of the horses?

A. I think there were four for artillery, horses, and mules; three for cavalry; and two for the staff, allotted for the Commissary-general.

Q. Previous to leaving Monte Video, were any, and what measures taken for collecting small craft in the Plate?

A. I believe there was no small craft in the river, except in the harbour of Monte Video, and at Buenos Ayres.

Q. In the survey which you have described to have been made of the banks of the river, with a view to ascertain the most proper place for landing, did there appear to be any other objection to point Quilmes, than that you have stated? namely, that the troops could not land there, under cover of the ships of war.

A. I went as close to the point in the Encounter gun-brig, as the water would permit. I believe I was then about a mile and a half from shore, and was told, that a battery had been erected at the village of Reduction, to oppose the passage through the marsh, in which marsh General Beresford had before nearly lost all his artillery.

Q. Were there any, and what other objection to landing higher up the river, than those difficulties which the naval Captain stated?

A. I supposed the objection to be conclusive.

Q. Were there any, and what number of flat-bottomed boats accompanying the army, to land it in places where the shallowness of the water would not admit the transports, if the commander of the forces had adopted such a proceeding?

A. Previous to leaving Monte Video, I had received a return from the transport agent of the flat-bottomed boats; and as well as I can remember, there were but seven or eight in the river, which were allotted to the commanding officers of artillery.

Q. If there had been a sufficient number of flat-bottomed boats, would the landing above the town have been a proper place in your opinion?

A. As far as I understand the use of flat-bottomed boats, they are used for the purpose of conveying troops from the transports to the shore, the difficulty being to get up the transports.

Q. How high up the river did it appear the transports could proceed?

A. I cannot exactly say, but I believe they could not proceed with safety, even as high as the town, unless I was acquainted with the anchorage of the ships, at the places they were to land.

Q. What is the distance of Colonia from the opposite side of the river?

A. I believe between seven and eight leagues.

Q. You stated, that there were orders to spike the Spanish guns. What number of Spanish guns had you?

A. Five or six four-pounders: I cannot say which.

Q. Were they spiked?

A. They were.

Q. What was the loss of provisions passing through the morass?

A. I cannot state for a certainty; but I believe only a few bags of biscuits which the horses threw off.

Q. Do you know whether all the provisions that were landed, were taken from the banks of the river to the post at the heights?

A. I cannot exactly tell.

Q. What number of guides were taken with the army from Monte Video; and how distributed?

A. There were two, particularly appointed for the purpose of serving as guides, and they were of great service on the march. One was attached to each division.

Q. Were there any people of the country who acted as guides, from the Ensinada to Reduction?

A. I believe these were the only persons.

SIXTH DAY.

THURSDAY, FEBRUARY 4.

The Court having met, pursuant to adjournment, Lieutenant-colonel Bourke was again called, and further examined.

Q. Were all the horses embarked at Monte Video landed at the Ensinada?

A. I believe they were.

Q. What proportion of light dragoons were attached to the main body of the army?

A. I believe about forty.

Q. How were the forty horses, which you have mentioned, disposed of during the subsequent movements of the army?

A. I believe the greater part marched with the main body.

Q. In what service were they employed?

A. I believe when the provisions which they carried were consumed, they were chiefly employed to carry the sick, who were unable to walk.

Q. During the march from the Ensinada to Reduction, were any provisions delivered to the men, and at what period?

A. Provisions were delivered on the 30th of June.

Q. What provisions were they, and of what description?

A. Bread and fresh meat. I cannot say to what amount.

Q. By fresh meat, do you mean that provided in the country, or that landed at the Ensinada?

A. I mean that provided in the country; but to what amount I cannot tell.

Q. Did the advance corps receive the same provisions with the rest of the army?

A. I cannot say.

Q. As Quarter-master-general, was any previous calculation made to supply the troops on the movement of the artillery, or any mode adopted as to the speediest way of making that supply?

A. I never heard of any calculation or arrangement on this subject. I was totally ignorant of the plan of operations which the General intended to pursue.

Q. Were there any local impediments to the army during their march from the heights above the Ensinada to Reduction?

A. I can only speak with certainty of the ground I went over myself. I believe there were no local impediments as far as Reduction.

Q. Were there any inhabitants in the houses which the army passed on the 30th?

A. I believe not one.

Q. Was there any intelligence received on the 30th; and if any, what, as to the state of the bridge over the Chuelo, and the preparations made by the enemy for defending the pass over that river?

A. I believe there was no intelligence received on that day.

Q. Did you find on your arrival at Reduction any number of men of the advance corps who had fallen back, unable to proceed through fatigue?

A. I believe about 150 were in the village; but the whole of these were not fatigued men. Some were left by General Gower to keep possession of the village.

Q. Had any, and what number, of the advanced corps fallen back on the main body through fatigue, during the

march on the 29th and 30th of June, and the 1st of July?

A. I cannot say. If any, they must have been very few; the march was so short.

Q. Were the terms which General Gower sent into the town of Buenos Ayres, specified to you by General Whitelocke, in writing or in conversation?

A. They were communicated to me verbally by General Whitelocke, a little before I set out with a letter to General Gower.

Q. Having stated that you were desired by General Gower to write down the terms, and that you did write them down, are you certain that these were the same dictated to you by General Whitelocke?

A. As so short a time had elapsed between my receiving them from General Whitelocke and transcribing them for General Gower, I should suppose they were, to the best of my recollection and belief.

Q. Having stated, that in a conversation with General Whitelocke you had objected to the plan proposed, and expressed your extreme ignorance of the country, and the necessity of reconnoitring the river, what answer did General Whitelocke make to this observation?

A. As far as I can recollect, he expressed great anxiety to get the men into cantonments, as he was apprehensive their health would suffer by being exposed to the weather for any greater length of time.

Q. You have stated, that on the 1st of July General Whitelocke was to have proceeded with an escort from General Craufurd's brigade, and that on the 2d he called his secretary and yourself, and said he had changed his mind, and dictated a letter to General Gower. In this conversation did General Whitelocke give any reason for altering his intentions?

A. I do not recollect that he assigned any reason for departing from one mode of operation and adopting another.

Q. Had you then, or at any other time, any, and what, reason to think General Whitelocke had altered his plan of reconnoitring the Chuelo, from any information he had received, or was it merely his anxiety to get the troops under cover?

A. I can only speak from the reasons the General gave me.

Q. In the letter before alluded to, was nothing said about the 87th regiment being sent to the assistance of General Gower?

A. I do not remember any thing on the subject at that time. When I came back from General Gower, I think General Whitelocke spoke of sending him the 87th regiment.

Q. In your interview with General Gower, did you give him any reason to expect that any particular regiment should be sent to him?

A. I do not remember that I did.

Q. You stated that you were ordered to go at day-break to General Gower. At what hour does the day break at that season of the year in that country?

A. I believe about six o'clock.

Q. What was the state of the weather at that time?

A. The 2d of July was an exceeding fine day. The night of the 3d we had a good deal of rain.

Q. You have stated that you met General Whitelocke between the two corps on your return from General Gower. Do you know for what purpose the General advanced?

A. I do not.

Q. Did he proceed after you met him, or did he return?

A. He returned to Reduction.

Q. Do you know whether he returned in consequence of any communication he had received from you, or for what other reason?

A. I cannot say.

Q. When you met General Whitelocke, did you inform him that General Gower had complained to you of the 88th regiment?

A. I have already said I did.

Q. What statement did you make to General Whitelocke, when you met him between General Gower's head-quarters and his own—what conversation passed between him and you?

A. I cannot recollect the whole of the conversation. I stated that General Gower seemed dissatisfied at the order.

General Whitelocke seemed to say something of supporting him, but I cannot attempt to give the whole of the conversation in detail.

Q. Did you state to General Whitelocke, that General Gower had told you he considered the order he had received peremptory, and that he should lose no time in obeying it?

A. I do not remember that I did at that time.

Q. Did you apprise General Whitelocke that you had given General Gower reason to believe that he would be supported by the main body of the army?

A. I do not remember to have given General Gower any reason to believe so, strictly speaking.

Q. Did you apprise General Whitelocke of the conversation you had with General Gower on the subject of the commander of the forces marching the whole of the army to his support?

A. I believe I did.

Q. Did General Whitelocke make any, and what, reply to that communication?

A. I do not remember.

Q. Did your observation of the face of the country, in the direction in which the advanced corps were marching when you saw them, lead you to conclude, that they must have passed the Chuelo, and consequently had found a pass?

A. I have no means of forming any conclusion on that subject.

Q. Did there appear any difficulty on the face of the country, on the march of the main body, being pointed towards the direction where you perceived the advanced corps, so as to have prevented a junction with that corps?

A. I have before stated that the guide informed me, that when we had crossed the ford, which was then before us, we should move in the same direction with the advanced guard. After we had passed that stream I did not see any local impediment.

Q. Were any attempts made by General Whitelocke to communicate with General Gower by patroles, or in any other manner?

A. I believe not. I never heard of any.

Q. Were there any resaons why patroles of cavalry might not have been sent out at the time when you stated the advance corps to be in sight?

A. There was no reason why a patrole might not have been sent; but I cannot take upon me to say they would have arrived at General Gower's post.

Q. State what difficulties presented themselves to your observation on the way, to prevent a body of cavalry communicating with the advanced corps at that time?

A. I understood from the guide that we were then at different sides of the river; and I saw myself a considerable swamp intervening.

Q. Were there any persons belonging to the country, whom you met on the march, who could point out the way?

A. I don't believe there was a single inhabitant in the village of Reduction when we reached that place: the man who conducted us had come over with the Commissary from Colonia.

Q. Was there any intelligence or information received by General Whitelocke on that day, as to the state of the bridge over the Chuelo, or of the preparations made by the enemy for defending the pass over that river, down to the period of the 2d of July?

A. I was not informed that General Whitelocke had received any intelligence whatsoever, but what had been communicated to him by Gen. Gower, respecting the bridge.

Q. When General Whitelocke ordered the army to halt about half past three o'clock, about how far had you marched that day?

A. I believe about seven miles?

Q. Was the condition of the army such as to render the halt unavoidable?

A. I cannot speak with any certainty as to that point, I was at the head of the column.

Q. What was the length of the march on the 30th?

A. About five miles, and on the 29th about four miles.

Q. What answer did you receive from General Whitelocke to the representation of what the guide had said was the distance at which General Gower would cross the river?

A. I think he said the troops were fatigued, and the plain we were then on

yielded a quantity of fire wood, and that there were a great number of sheep close to us.

Q. How many hours of daylight remained when the army halted?

A. There remained about two hours and a half.

Q. Did the cannonading you heard on the side of Buenos Ayres give occasion to any movement, or order for movement, for giving prompt support to the advanced corps?

A. I do not remember any proposal made for marching that afternoon.

Q. Did General Whitelocke make any observations to you on the subject of that cannonade?

A. It is very probable he did, but I don't recollect what. I don't think I was with General Whitelocke at the time I heard the cannonading.

Q. At what time in the evening was the cannonading heard?

A. A little before sun-set.

Q. Were there any measures taken in consequence?

A. I believe there were no measures taken in consequence.

Q. At what hour was it?

A. I believe about five o'clock, but I cannot exactly say.

Q. At what hour was the main body of the army ordered to march on the morning of the 3d?

A. About six o'clock; just at daybreak.

Q. Did General Whitelocke propose to you any other plan of attack than that already spoken of, on which he intended to act in the attack on the town of Buenos Ayres?

A. He never stated to me any precise plan on which he intended to act; but I collected from various conversations that he intended to place his main body at the Recolita, and extend from thence to the shipping, and take such measures against the town as circumstances might require: others heard him further say, that he would be very cautious how he suffered the troops to enter the town, as we understood from him that he intended to employ heavy artillery against it. I never saw any precise plan, nor any thing detailed.

Q. You stated that you reported your local observations on the probable consequences of the plan of attack to General Gower. Was it understood on the 4th that the immediate detail of the attack was left to General Gower?

A. General Gower gave out all the orders on the subject that I heard of.

Q. Do you know whether General Gower received from General Whitelocke the orders that he gave out on the subsequent plan of attack?

A. The orders I have before alluded to were given out at head-quarters in General Whitelocke's private room, and in his presence: they appeared to me to be the same that General Gower shewed me the preceding evening.

Q. Had you any knowledge of any confidential communication between General Whitelocke and General Gower?

A. I had not.

Q. Having stated yesterday that General Whitelocke told you that he had adopted a plan which was novel, but he was compelled from circumstances to adopt it, did he state to you what those circumstances were?

A. I believe he stated that he was apprehensive that the army would be in want of provisions; and also that he had not found General Gower in the situation which he expected; but the reasons which he gave made very little impression upon my mind at the time.

Q. Did General Whitelocke say what that situation was in which he expected to have found General Gower's column?

A. I do not know that he ever said what that situation was.

Q. Having yesterday stated that an order was written to Colonel Mahon, and sent on the night of the 3d, can you tell by what means, or by what rout, that order was transmitted?

A. The order was sent by a countryman, one of the natives.

Q. Was the countryman attended by any, and what, escort?

A. He was not attended by any escort, as I believe.

Q. Where was Colonel Mahon when that order was sent?

A. At the village of Reduction.

Q. What was the purport of that order?

A. I have stated what I believed to be the purport of it. He was to move

the next day towards the bridge, over the Chuelo.

Q. Do you know what rout the messenger was desired to take?

A. I do not.

Q. Do you know whether this man came with the army from Monte Video, or whether he joined the army subsequent to its landing?

A. I believe he came with the army from Monte Video.

Q. State the substance of the information received respecting the enemy's force; his means, and his position to resist, between the time of the junction of the main body of the army with the advanced corps on the 3d, and to the morning of the 4th.

A. I believe there were some prisoners examined. I was not present, nor do I know what intelligence they gave.

Q. Was any, and what, attempt made during the period last referred to, on the part of General Whitelocke, to reconnoitre the state of the bridge over the Chuelo, and the position of the enemy without the town?

A. I never heard that he gave any orders upon that subject.

Q. Did General Whitelocke personally reconnoitre the approaches to the town on the 3d or 4th of July, after his arrival at the Miserere?

A. I did not see him reconnoitre at any time.

Q. Had you any, and what, means of knowing whether he did or did not?

A. I have stated that I had not seen him, nor have I ever heard that he did.

Q. Have you such a recollection as to state any further information on these charges within the period ending the 4th of July?

A. I think I have stated every thing material within my knowledge.

Cross-examined by General Whitelocke:

Q. Was not every effort made to obtain intelligence in the country, and was it possible to obtain any other information than we had?

A. I believe every effort was made.

Q. Were all the transports which could be procured employed? and were not every means used to collect horses for the army?

A. All the transports at Monte Video were prepared for the service of the army. After General Craufurd's arrival there were some that were not employed.

Q. How soon after General Craufurd's arrival did the expedition sail?

A. I think General Craufurd arrived about the 14th of June. The greater part of the forces were ordered up to Colonia on the 16th, and on the 21st the General himself embarked, the whole being ready some days before, but the wind was not fair.

Q. Are not mules more used than horses in drawing carriages in that country; and were we able to procure any quantity of them?

A. They are more frequently used. We procured some, and I cannot say we could have procured more; but should suppose we could.

Q. Do you recollect my ordering the purchase of a ship load of mules that was destined for the Cape of Good Hope?

A. I do.

Q. Did not the horses we procured soon become incapable of work; and did not some of them become useless even the first day?

A. I believe they were totally incapable of enduring much fatigue. I cannot speak with certainty of the state in which they were after we reached the heights.

Q. Was it practicable to convey our camp equipage and stores, without much difficulty, through the marsh?

A. I believe it was not possible.

Q. Did we not look to the navy for procuring them, particularly when we reached the suburbs of the town?

A. I always understood that the object of marching westward of the town was to open a communication with the navy.

Q. What additional supply of provisions were looked to on the march, and of what description, and how procured?

A. We procured some sheep and bullocks on the march, but I cannot say what supply the General may have expected.

Q. Was it not known that bullocks and sheep were to be found in crossing the country, and did we not find a sufficient supply of both?

A. It was expected we should, and we did accordingly.

Q. Was it understood that when General Beresford landed at Point Quilmas there was a continuance of dry weather, and even then he lost his guns; and therefore was it not to be supposed that from the season when we landed the difficulty would be increased?

A. I had heard that General Beresford lost some of his artillery, but never heard what the state of the weather was at that time.

Q. Did not your observation of Point Quilmas incline you to think it advisable not to make a landing there?

A. That and other reasons induced me to prefer the Ensinada.

Q. Were we not in the march continually crossing marshes and rivulets; and was it not attended with great fatigue and much delay?

A. We were.

Q. Were we able to procure information, or any such correct intelligence, at Monte Video, so as to enable us to form any detailed regular plan, or any other than that of establishing ourselves on the heights, to communicate with the fleet, and act in any manner we could, according to circumstances?

A. I have stated all the information I received as far as I know. With regard to the supplies in the march, it might have been possible to have made some arrangements with the natives.

Q. Could a detailed plan have been made for the attack of Buenos Ayres from any information or intelligence received at Monte Video, on which reliance could be placed?

A. Certainly not. The measures which were intended to be pursued appeared to me to be the only ones that could have been adopted.

Q. Could you at Monte Video, or after you left it, on the march, procure such correct intelligence of the country as to enable you, as Quarter-master-general, to have arranged any plan of providing supplies, of halting, or any other necessary operation?

A. Nothing more could have been done than in making Reduction the second point of departure, from whence measures might have been arranged for crossing the Chico-pass, and marching to the suburbs of Buenos Ayres, and of reconnoitring the river, but not from any intelligence we could have procured from the people of the country.

Q. How many people of the country did we take in the whole of the march, till we joined General Gower? What means did we take to make them guides, or what other use did we make of them?

A. I believe, during the whole of the march, we did not receive any intelligence of the least importance. We took two prisoners at the Ensinada, who marched with the army as far as Reduction, and from thence to Buenos Ayres.

Q. Could the army have found places of halting to procure fuel, and for other purposes, any where but at the farm-houses? and was not the halting regulated by the situation of these farm-houses?

A. I believe that fuel could only have been found at the farm-houses; and that on their situation particularly depended the movements of the army.

Q. Did not General Whitelocke, at the time he altered his determination to march on, express his apprehensions of the rain coming on, and his anxiety lest the weather should break up before he should get the men under cover in the vicinity of the suburbs of the town, and open a communication with the fleet?

A. He said so then, and frequently before.

Q. Had it not rained hard, and was it not raining, when General Whitelocke sent for you on the night of the 2d of July?

A. It rained very hard at the time.

Q. Had not the oldest of the inhabitants at the Ensinada informed me that rain would set in in 24 hours, and render the river impassable?

A. I remember to have heard him say so.

Q. Did not General Whitelocke, on your return on the 2d, order the army immediately to march? and did not he shew anxiety to march, and stop the cutting up of some cattle then preparing for Sir Samuel Achmuty's brigade?

A. He did.

Q. Was there not a sheet of water, as well as marshy ground, between the two divisions of the army, on the morning of the 2d?

A. I think I remember to have seen something of the sort in the fields.

Q. Did not the guide endeavour to lead you to the right, in consequence of your observing that General Gower's brigade moved from you; and were we not led into marshy ground, and obliged to keep to the left?

A. I remember his taking us through the marsh to the right, and afterwards we moved to the left.

Q. Did you not lead the columns with the guides, that day?

A. I did.

Q. Did not our ground, on the evening of the 2d, command an extensive view, particularly towards the Chuelo and Buenos Ayres?

A. It commanded a very extensive view, but I cannot say that we could see the Chuelo from it.

Q. Would not the evening have closed in by the time we could have reached the ford?

A. I think it would.

Q. How long was the army in crossing the ford on the 3d?

A. Between three and four hours.

Q. Had you not some difficulty in finding a place for passing the river on the 3d, from the ignorance of the guide?

A. There was some difficulty in finding a place to pass, on account of the swollen state of the river, but not from the ignorance of the guide.

Q. Was not the guide, whom we had taken prisoner that morning, the same man who had conducted us from Reduction?

A. He was.

Re-examined by the Judge Advocate.

Q. At what time during the march was there a total want of bread for the army?

A. I believe the last of the bread was delivered on the evening of the 30th of June. I have before said that the delivery of provisions was not in my department.

Q. Were there any impediments in the way of landing a quantity of bread and provisions from the fleet at Reduction to supply the army?

A. I cannot state the nature of the ground between the fleet and Reduction, never having gone from one to the other.

Q. Did you not know that a communication was opened with the fleet at Reduction

A. I did.

Q. Did you not know that some provisions were landed at Reduction and at Point Quilmas from the fleet?

A. Not from my own knowledge, but I have heard from Colonel Mahon, who was at Reduction, that he had received provisions from the fleet.

Q. Might not a plan of operations for the different columns have been formed with tolerable precision, after the troops arrived at the heights, on the 29th of July?

A. I think we might have been marched in one column only, from the heights of Reduction.

Q. Were any, and what, measures taken while the army were at Barragon and Reduction, to render their movements independent of the farm-houses, by issuing provisions to the men, and by other necessary arrangements?

A. I do not recollect any orders upon the subject. The army landed with three days provisions.

Q. Having stated, in answer to General Whitelocke, the information respecting the rains rendering the river impassable, was that information before he told you he would proceed on the next morning to reconnoitre the river?

A. It was after we had halted that that information was given.

Adjourned until to-morrow.

SEVENTH DAY.

FRIDAY, FEB. 5.

Lieutenant colonel Bourke further examined.

Q. Why, then, after the opinion of the guide respecting the weather, did the main body halt on the 2d of July, before it made the pass of the Chuelo, having at the time of halting only marched seven miles that day?

A. I have already stated every thing I know upon that subject.

Q. In answer to a question put by General Whitelocke yesterday, relative

to the guide leading you rather to the right, and having failed in the attempt to get a pass, obliged you to keep to the left, do you know what consideration induced General Whitelocke, on the morning of the 2d, to deviate from the line of march of the advanced corps on the previous day, and from the line which General Gower was actually marching on the 2d towards the Chuelo?

A. I have already stated every thing I know upon that subject.

Q. Having stated, in answer to General Whitelocke, that the passage of the Chuelo was performed by the division under General Gower in three hours, had General Whitelocke received information, when he halted, which might lead him to conclude that it would require the time mentioned to cross the ford?

A. I do not know that he had.

Q. You stated, in answer to General Whitelocke, that your ground on the 2d commanded an extensive view, were there any measures taken on that evening to secure the passage of the river the next day?

A. I believe not.

Examined by the Court.

Were there any reports made by the officers of the rear of the division at which General Whitelocke was at the head, that made it necessary to halt on the 2d of July?

A. I never heard any, except the conversation with Sir Samuel Auchmuty, which I have already stated.

Q. Did General Whitelocke mention to you, at any time before or after, or during the march, the reasons why he altered his line of march from that of General Gower, on the 2d?

A. I have already stated the substance of the information received from the guide, previous to the main body marching from Reduction; and, I suppose, on that information General Whitelocke acted.

Q. Did the army, after its disembarkation, and on its march, meet with difficulties, which, from the information you had at Monte Video, might have been foreseen and obviated, so as to enable the army to cross the river on the second day after its arrival at the Ensinada?

A. I cannot exactly state what expectation had been formed; but it did not appear to me that there were any local difficulties on the march which would have prevented the army reaching the river on that day. It might have marched four or five miles beyond Reduction.

This question and answer it was thought proper to withdraw.

Q. Could you have got as far as the Chuelo on the second day?

A. I cannot conceive any impediment which could have prevented the army from reaching within a few miles of the Chuelo on the second day, after quitting the heights of Ensinada.

Q. You have said that the commander of the forces called you at two o'clock on the morning of the 2d of July, and told you he had changed his mind?

A. It was then raining, and he expressed his anxiety to get the troops under cover.

Q. Do you know, as Quarter-master-general, why the same anxiety did not incline the commander of the forces to march himself with the main body of the army at day-light, and proceed in the same line of march with the advance corps? Or can you say why the march was delayed till ten o'clock? And why they then proceeded in a different direction?

A. In answer to the two first questions I cannot state his reasons; and with regard to the third, I before said that I believe he acted on the information received from the guide.

Q. In consequence of that information, did he stop or alter the march of the advance corps?

A. The information he received was subsequent to the order given for the march of the advance corps. After we marched from Reduction, I believe there was no communication whatever between the two corps.

Q. Did you represent to General Whitelocke that marching in the direction the guide had pointed out would preclude his giving assistance to the advance corps under General Gower, if that assistance should be necessary?

A. I did not make any such representation, because I did not think it would have been the case.

Q. You have said that no informa-

tion was obtained from any of the inhabitants, that you were ignorant of the face of the country, the position of the enemy, or the existence of the bridge. Was there any means taken to reconnoitre the river, or any attempt made to ascertain these points?

A. I believe no attempt whatever.

Q. Was your information such as to lead you to suppose the passage of the river, and making a lodgment in the suburbs of Buenos Ayres, were operations of so little difficulty as to have been obtained by the advance corps, without the aid of the main body of the army?

A. I do not think the information could possibly warrant such a conclusion?

Q. Do you now recollect at what period it was discovered that the bridge was still existing, and whether any orders were sent to Colonel Mahon to proceed by that rout?

A. I do not remember that the existence of the bridge was ascertained previous to the order sent to Colonel Mahon.

Q. Had the enemy made a vigorous resistance at the Chico pass, or made any attack with a large force on the advance corps under General Gower, could General Whitelocke with the main body of the army have given any immediate, necessary, or prompt, support to that corps?

A. I do not believe he could.

Q. Was any officer of the staff sent by General Whitelocke to General Gower—or did any one of the staff of the army, except yourself, go to reconnoitre the approaches of the town on the evening of the 4th, previous to the attack on the 5th?

A. I never heard of any one but myself; and I before stated I was not ordered.

Q. Had the bridge not been burnt, as was supposed, and General Whitelocke could have crossed the Chuelo at that pass, was that place the best calculated for the army to pass over the river?

A. I believe it was.

Q. Were there not six pontoons and their carriages embarked with the army, and were they landed?

A. They were embarked, but not landed; but I cannot state why. I believe they were not intended to be made use of between the Ensinada and Reduction.

Q. Then for what purpose were they embarked?

A. I believe for the purpose of making a bridge over the Chuelo.

Q. What distance was the bridge from the suburbs of Buenos Ayres?

A. About two miles and a half.

Q. Why were not the pontoons made use of for crossing the Chuelo, for which purpose they had been embarked?

A. I suppose General Whitelocke intended to pass the river by the ford.

Q. When the army came to the ground where they halted on the 2d, did you see the regiments come up to the ground?

A. I did.

Q. Was there a long rear?

A. There was not. The troops appeared fresh.

Q. Do you know what precautions were taken for the security of the army, and what pickets were sent out?

A. I cannot exactly state the number of men at the advanced posts. In going round on the left, I thought the heads of the columns were not covered in the way they should have been; in consequence of which I sent a reinforcement to the left, and the advanced posts then appeared to me to be such as the situation required.

Q. Were the pickets instructed to attend to any firing; and was that circumstance, or any other extraordinaries, reported by the pickets?

A. I do not remember that any such instructions were given; nor were any extraordinaries reported that night.

Q. On your return from the headquarters of the advance corps, did you report to General Whitelocke that you had been desired by General Gower to write down the terms of which General Gower had directed you to inform him, and which he was to offer to the Spanish General?

A. I do not remember.

Q. What was the distance of the march of the main body on the third?

A. About nine miles from the town?

Q. When the firing was heard on the second, were there any measures taken

by General Whitelocke to inform himself where it was, or to ascertain the situation of the advance corps?

A. I did not, nor have I ever heard of any such measures.

Q. If the main body had marched early on the morning of the 2d, might it not have reached the suburbs of Buenos Ayres on the same day?

A. The distance was only sixteen miles altogether, and there could have been no difficulty in marching from Reduction by the rout we proceeded, and arriving in the suburbs of Buenos Ayres that evening.

Q. Were the guides who conducted the different divisions of the army confronted at any time, and when; to ascertain whether they agreed in their accounts of the country, from the heights to Buenos Ayres, and the different passes of the river, in order that the two divisions might not deviate from the line of march?

A. They never were. At the time that General Gower's corps marched, it was not known that the main body was to march that day.

Brigadier-general Craufurd sworn and examined.

Q. What situation did you hold in the expedition against Buenos Ayres under Lieutenant-general Whitelocke?

A. I commanded the light brigade which formed the advance guard of the army.

Q. Relate all that occurred from your landing at Monte Video to the night of the 4th July, previous to the attack upon the town of Buenos Ayres.

[Here the Judge Advocate gave a paper into the hands of the witness, containing the heads of the several points on which he was to speak.]

A. On my arrival at Monte Video, Lieutenant-general Whitelocke proposed a walk round the works; and on our return through the town desired me to notice the peculiar construction of the houses, their flat roofs encompassed by parapet walls, and other circumstances which, as he observed, rendered them particularly favourable for defence; and that he certainly would not expose his troops to a contest so unequal as that in which they must be engaged, if led into so large a town as Buenos Ayres: all the inhabitants of which were prepared for its defence, and the houses of which were constructed similar to those of Monte Video. In the obvious propriety of the General's intentions I most heartily concurred. The brigade which Lieutenant-general Whitelocke placed under my command consisted, according to the original arrangement, of eight companies of light infantry, a detachment of recruits (about 70) of the 71st, and eight companies of the 95th or rifle corps. But from the day of our landing at the Ensinada, until the junction of the two divisions of the army before Buenos Ayres, four companies were taken away from my brigade, and attached to the division of the army under the Commander in Chief in person. With respect to the equipment of the brigade under my command, it certainly was deficient in some material articles. In the first place, we had no lasso-men; I mean persons who are in the habit of catching cattle in that country: the consequence of which was, that though surrounded by abundance of cattle, we had no means of catching them. Another material deficiency, and for which I could not discover a sufficient reason, was, that the camp kettles were left behind; in consequence of which, though we found an abundance of wheat in the farm houses, which, if boiled, would have been an excellent substitute for bread, we had no means of making use of it. Another circumstance also very important, but which took place rather from the subsequent arrangement, than through the original equipment, was, that although on the landing of the troops, they had only three days bread, viz. for the 28th, 29th, and 30th June, there was no further issue of bread till the day of the 3d July, when we fortunately found a considerable quantity in one of the houses behind the position which we took up on the 2d. This might have been avoided, and the troops been spared the suffering of want, by halting at Reduction, from whence we might easily have communicated with the fleet at the point of Quilmes. It also appeared to me, that for a detachment which had been so many months at sea as that under my com-

mand, at least at the first period of operation on shore, the men should have been alloweed the ration of spirits to which they had been accustomed. These troops I speak of, sailed under my command from England in March, and consisted of two squadrons of the 6th dragoon guards, the 5th, 36th, 45th, and 88th regiments of foot, five companies of the 95th, and two companies of artillery. We landed at Ensinada without seeing any appearance of an enemy in the morning of the 28th June, which was, I believe, the best chosen situation for the troops to make a landing. After crossing the swamp, which is of considerable extent along the banks of the river, my brigade took a position on the heights, and another regiment, I believe the 38th, formed on our left. On the 29th we marched off by our right on the road or track leading to Buenos Ayres by the rout of Reduction, in front of which, at about the distance of one mile and a half, we took our position on the evening of the 1st July. On the 3d, my brigade, with the exception of the four companies I have mentioned, was always at the distance of four or five miles from Brigadier-general Lumley's brigade, consisting of the 36th and 88th regiments, under the immediate command of Major-general Gower, which was always in the rear; for the purpose, as I understood from Major-general Gower, of procuring fire wood, an article extremely scarce, and only to be found in the vicinity of a few farm houses. During the whole of our march, we were observed by small parties of irregular horse armed with long muskets, who exchanged occasional shots with the rifle corps; but until our arrival at Reduction, nothing occurred either of opposition from the enemy, or difficulties of any sort material to relate. The country was entirely open; and though the rout was frequently intersected by some streams and bogs, none proved any considerable impediment till after we had passed Reduction. The only embarrassment I experienced in conducting the advance guard, proceeded from the want of a good guide, for the inhabitants, excepting two (a Mr. Duval and an Indian servant belonging to the house where I took up my quarters on the night of the 1st, and whom I took with me), had all left their habitations. As we approached Reduction, we saw much more considerable bodies of horsemen, who appeared only intent on reconnoitring our march. On the evening of the 1st, my brigade took a position on the extremity of the high ground, about a mile and a half nearer to Buenos Ayres than the village of Reduction, and just at the skirt of the low marshy flat, through which ran the rivers Manseil and Chuelo. We also observed, the fire which Lieutenant-colonel Pack informed me in his opinion was in the direction of the bridge. On the evening of the 2d, I received an order from Major-general Gower (who had passed the night with Brigadier-general Lumley's brigade, which occupied a position about three fourths of a mile in the rear of mine) to be in readiness to march at nine o'clock. Before nine the General came to me, and after a good deal of conversation on the direction of our march, I understood from him, that according to the accounts he had received, the enemy had constructed considerable batteries for the defence of their position on the lower Chuelo in the neighbourhood of the bridge. It was therefore determined to turn their position by passing the river higher up; but I think it material to state, that Major-general Gower at this time certainly had not settled with the Commander in Chief, or even in his own mind, where we were to attempt the passage: whether at the ford called Passo-Chico, which we did in fact cross over higher up; or one which was said to be situated about a league higher up. We saw the enemy on the opposite side of the river, and after we had marched about two or three hours, General Gower and myself distinctly saw General Whitelocke's division on the march, and from every consideration, both from general reasoning and from particular circumstances, I was certainly during the whole of this day impressed with the belief that they were following us. Some time after, General Gower shewed me a letter from the Commander of the forces, by which he was fully authorised to cross the river, and to establish himself in, or in the vicinity of the suburbs of Buenos Ayres;

an advantage which was clear to me could not be taken possession of without an action. It was some time after that I understood from General Gower his intention to pass the Chico, nor did I inquire, as the direction in which we had till then been marching would, we supposed, have been equally advantageous. After we had passed the river, we saw at about the distance of a cannon shot in our front—a body of about 500 horse. They attempted nothing, and from the direction in which they afterwards moved, I conjectured they crossed the river. At length we arrived at a track which crossed obliquely to our right, and which the guide said led to the Passo Chico. General Gower determined to take that direction, and ordered me to proceed with my brigade as quickly as I could, and either to force the pass, or to establish myself on the banks of the river. When we arrived, there was no appearance of an enemy; and by the time my brigade had passed, General Gower arrived at the head of General Lumley's brigade. About this time Major Fraser, who commanded four companies of the 95th, pointed out to me a column, which had the appearance of a considerable body of the enemy marching, as if to take possession of the heights opposite the ford, but to effect which they were palpably too late. I sent an officer to General Gower to report this, and to request his permission to move on and occupy the heights, which are about three quarters of a mile distant from the ford. The answer I received was, that I might go on, and act according to circumstances, and that he would support me with General Lumley's brigade. We gained the heights without any opposition, and from the general appearance of the enemy, it was evident to me they were already in a state of confusion, which it was important to take advantage of. After gaining the heights, I took the first road to my right, which the guide pointed out to me as leading to the town, and to the position which the enemy was obliged to station themselves in to cover it. As we proceeded, there was an appearance that the enemy was disconcerted by our movements. During the march, I received orders from General Gower by an officer to halt. I cannot positively say, whether that was merely to give time for Brigadier-general Lumley's brigade to come up, or to take a position for the evening; but as the day was so far advanced, and the state of the operations so critical, I took the liberty of stating to General Gower, that it was very desirable to proceed, which in the mean time I did. A very short time before we reached Mr. White's house, the Major-general came to the head of my brigade, the road had then taken a turn to the left, and when we arrived at Mr. White's house, we were marching nearly parallel to the position in which we afterwards discovered the enemy, who were then on our right flank; the ground was so extremely intricate, and covered with deep trenches and high fences, that although the enemy at this time were very near us, we had not discovered them. The first indication we had of their presence was a shot fired from a gun placed on the Coral just as General Gower and myself, with some of the staff officers, appeared on the great road leading into that where the main column of the corps was then standing, and which road leads into the town by the Coral de Miserari (court-yard of the shambles) where the enemy's guns were then placed. As soon as this gun was fired, General Gower said something to me, I think it was, "We must turn the right and left flanks." I understood this as an order to attack the enemy, and immediately obeyed. The enemy's fire for a very short time appeared to me to come from a very considerable body of infantry, but the light companies and the 95th advanced so rapidly, that the enemy very soon gave way, leaving behind them twelve pieces of artillery. I pursued them about three quarters of a mile beyond the position from which I had driven them, nearly to the commencement of the town. While I was forming the brigade, which from the nature of the ground, and suddenness of the action, had got into some confusion, it growing dark while I was thus employed, I received an order from General Gower by Captain Squires of the engineers, to fall back to the Coral, where he then was. It certainly appeared to me at that moment to be adviseable to

follow the enemy into the town, and I desired the officer who brought me the order to fall back, to request the General that he would allow me to do so. I trust the Court will here allow me to say, that from all I heard since, I am convinced, that if the main division under General Whitelocke had been as near as I thought it might have been, we certainly should have taken the town with ease: I had very strong doubts whether we might not have taken it with General Gower's corps. In answer to the message I had so sent by Capt. Squires, I received a second and peremptory order to fall back to the Coral, the General stating at the same time, that our wounded (which did not exceed above six officers and thirty men) might be cut off by the straggling parties of the enemy which had been hovering about us. Just at the time I began to retire, I discovered that General Lumley's brigade had arrived immediately on my right. We left the grenadier company of the 36th, and three companies of the brigade on the ground. During the greater part of the 3d July, there was some firing between our pickets and the enemy; and I think it was about three o'clock General Whitelocke came up with that part of the army which he conducted in person. Early on the morning of the 3d, General Gower sent Brigade-major Roche with a flag of truce into the town, with a verbal summons, as the Major-general informed me; and the Brigade-major returned in consequence, as I understood, of a desire expressed by General Liniers, that whatever the Major-general had to propose might be done in writing. Brigade-major Roche was accordingly sent back with a letter, containing a proposal of certain terms, which the Major-general shewed to me before he sent it. He did not ask my opinion as to the contents of it, nor did I know that it was written from any particular instructions from General Whitelocke; but I understood that he had received instructions to summon the town. The only observation I took the liberty of making on the letter was, that as General Liniers was accused of breaking the convention with General Beresford, it did appear to me to be material, in making any such proposals to him, to say something which might remove any apprehensions which he might entertain with respect to the manner in which he might be treated by us if he should fall into our hands. When Major Roche retired, General Gower informed me, that General Liniers' answer was expressive of a determination to defend the town. All this occurred at noon before General Whitelocke came up. Early in the morning of the 4th, in obedience to orders I had received, I went to General Whitelocke's quarters, for the purpose of taking his instructions with respect to the attack on the town, which he had then determined to make at noon that day. After I had read the disposition, General Whitelocke took me aside, and said, that he felt so much reluctance in adopting a measure which must be attended with so great an effusion of blood, that he had determined to send another summons to the Spanish General. He shewed me a letter, and certainly upon that occasion he did ask my opinion of the propriety of sending it. I told him, that in my opinion he had better not send it; that the determination expressed in the answer to the first summons, and the whole of the enemy's conduct since, induced me to believe, that the letter would produce no good effect, and that they would rather consider it as betraying a want of competence on our part. This was the exact substance of our conversation, which terminated with the General's expressing a determination to send Captain Whittingham with the letter. The disposition was afterwards read and explained on the plan, to commanding officers of brigades. There were no persons in the room but the Lieutenant-general, the Major-general, the Brigadiers, and Colonel Pack, who was well acquainted with the town. The order, as I before stated, was for an attack to be made at 12 o'clock that day, and the time at which the conversation I am about to relate took place was, I believe, about half past ten o'clock. I did not understand from any thing that passed, that either myself or the other Brigadiers were called there to give their opinion upon the propriety of the disposition, but for the purpose of being made acquainted with the detail of it. Sir

Samuel Auchmuty and Colonel Pack suggested, that a little before day-break on the following morning would be a better time than noon on that day for advancing into the town; and after some consultation, the Commander in Chief determined to defer the attack to the morning of the 5th. While we were in this room, a Mr. White, who had resided a considerable time at Buenos Ayres, gave us some information, which we afterwards found to be perfectly correct, respecting the dispositions and defensive arrangements which the enemy had made in the town since the evening of the 2d. A part of the order of attack was, that the columns were to be provided with tools and implements for breaking open houses; but I really believe it was impossible for this order to be obeyed to any extent, for the tools could not be procured in a sufficient quantity. The firing at the pickets continued for the greater part of the day; and during one part of the day a disposition was made, under the idea, that by withdrawing the pickets, or allowing them to retire before the enemy, he might be tempted to follow far enough to give us an opportunity of engaging him out of the town. But this did not succeed. I placed small pickets of the infantry at the head of my brigade for the advance on the next day. The first information I received, as to the means and position of the enemy, I found to be false, for it was said that they were entrenched on the river.

Adjourned until to-morrow.

EIGHTH DAY.

SATURDAY, FEBRUARY 6.

The Court having met pursuant to adjournment, Brigadier-General Craufurd was again called, and proceeded in his narrative.

A. I yesterday stated that all the houses, except one, were deserted: I mean to say, after leaving the village of Barragon, in which, when we landed, there were several inhabitants who did not at all appear shy of us.

Q. What information did you receive during the march?

A. I received information, I think, from Mr. Duval, whom I found in his house near Barragon, and whom I brought with me as a guide. He stated, that when he left the town of Buenos Ayres, a few days before, the enemy had a corps and some batteries on the heights of Reduction, but that nothing had been done, except constructing a battery for the purpose of commanding the road by which General Beresford had passed the swamp the year before. I had also heard, and from the conversation I had with General Whitelocke on the 4th July, it was believed, that the enemy had constructed considerable batteries for the defence of the river in the neighbourhood of the bridge on the heights of Barragon; but whether the Chico-pass was defended in a similar manner, we were not able to ascertain till we approached it. With respect to the reconnoitring parties, I heard of none, except the advance guard and the flanking parties of my own brigade. In answer to the question, why the pass of the bridge was not attempted, I can only state my own opinion, and that of the other officers with whom I conversed on the subject. I cannot say what the opinion of the Commander of the forces might have been, but certainly our opinion was, that the pass of the river, on which all intelligence agreed that the enemy had a strong position, would not have been judicious, when by an easy march it appeared possible to turn his flank by passing the river higher up. In answer to the question, what was the state of the advance corps previous to, and after the action, with reference to the probable event of the corps being defeated, I can only speak from hearsay. I do not know what General Whitelocke's opinion may be, but if the division halted during the afternoon in the station described to me by Lieut.-Colonel Bourke, it is quite clear, that no co-operation could have taken place that evening; and we could not have derived any support from it. With respect to what measures were taken for insuring the success of the attack on the 3d, whether by bringing up artillery, and reconnoitring the approaches of the

town, I heard, that an order had been sent to Lieutenant-Colonel Mahon, then at Reduction, with a considerable part of the field artillery, to advance towards the bridge, at the time that the rest of the army should attack the town. With respect to reconnoitring the approaches to the town, I believe every thing was done by the staff officers that could have been done on the right, but as to the left I cannot speak.

Q. Was there any order given by General Whitelocke for reconnoitring the town?

A. To the best of my recollection, we were ordered at the time the plan was delivered to the officers, to make ourselves acquainted with the points of attack. As to what knowledge was obtained from the prisoners of the designs of the enemy, and his plan for the defence of the town, I do not recollect. We received no intelligence from the prisoners on the day of the 2d; nor do I think they could have given us any, as the position of the enemy, on account of the operations of the 2d, was entirely changed; but on the 4th July, Mr. White told me, and several other officers in General Whitelocke's room, that he was informed by people who had lately left the town, that the enemy had strongly entrenched themselves, and placed heavy cannon in all the streets leading into the great square, where he had concentered the principal part of his force. The position we afterwards found had been correctly described: the disposition of the enemy, and the position he had taken, after I was taken prisoner, turned out to be just as Mr. White had described it on the 4th. I yesterday stated, and I am now convinced, that if the main body of the army had been in a situation to support the advance corps on the 2d, the town would have been carried with ease. I thought so at the time, because during the greater part of the march on the 2d, we had seen in the field what I conceived to be the bulk of the enemy's forces in motion. By our movement, and what we observed of theirs, it was evident, that we had turned their original position, and that they were engaged in attempting to change their front, and take up a new position on that side the town; and there certainly therefore was every reason to believe, that we had defeated a considerable division of their army: during this movement they were not prepared for the defence of the interior of the town on that side. I was afterwards informed by a Spanish officer, that we should have been in the town before the greater part of their army. In answer to the question, whether the troops of the advance corps were selected for this purpose from the best troops, with the exception of the 36th and 88th regiments, who, though excellent corps, had been eight or nine months embarked; the detachment of the 71st light infantry, and the rifle corps, were of that description best calculated for that service. The former regiments certainly did not appear to be so fit to form a part of the advanced corps, as the 38th, 40th, and 87th, who had been long in the country. I yesterday, in my evidence, positively stated, that neither myself, nor any of the Brigadiers, were consulted on the plan of attack: I never gave my opinion, I never expressed my opinion; my opinion never was asked, and I should have thought it presumptuous in me to offer it.

Q. Were there any, and what local impediments on the march from the heights above Barragon to the Chuelo, to have prevented the army arriving at a short distance from that river on the second day after its departure from the heights?

A. If the army had not quitted the heights of Barragon before the artillery had crossed the great morass, and if the troops had been in the habit of marching, I think that the army might without difficulty have reached the position in front of Reduction in the second march: but considering all the circumstances that existed at the time, I did not think the army could have been conveniently established in the position of Reduction before the evening of the 1st. Indeed, I have no reason to believe, that Lieutenant-Colonel Mahon, with his corps of artillery, could have come up sooner than the 2d.

Q. You have stated in your evidence, that you had a conversation with General Whitelocke on the 1st, state whatever

you remember of that conversation, so far as applies to the subject of these charges?

A. While the troops were halting, General Whitelocke took me aside, and the substance of what he said to me was, that he had thought of detaching a part of the army to make a considerable detour towards the higher part of the Chuelo, in order to turn the position in which he understood the enemy had entrenched himself on that river, whilst the rest of the army should advance against that position, and that General Gower agreed with him that it was an adviseable operation. The Commander of the forces asked my opinion, and I told him, that considering the smallness of the army which he commanded, it did not appear to me to be adviseable to make any considerable division of the corps at so considerable a distance from each other. I think he ended the conversation with saying, "Well, I think you are right."

Q. Was it known at the time that there were more passes than one above the bridge over the Chuelo?

A. The information I had received at that time was very vague. I had heard that the course of the river was so short we might head it altogether. On the 2d, this was contradicted by an Indian servant of the proprietor of the house in which I passed the night of the first, and who I took with me as a guide on the second.

Q. You stated that in the course of the march, Major-General Gower shewed you a letter from General Whitelocke to him, in which he was desired to cross the river and establish himself near the town. Did or did not that letter contain an order to march, or was it merely an authority to General Gower to act according to his own discretion?

A. From my recollection of the contents of that letter, as well as of all that passed between me and General Gower on that day, I do believe the letter was so worded, as to leave it with the Major-General to act according to his own judgment; at the same time I must repeat, that I do not recollect the precise terms of the letter. This, however, I can state positively, that his conduct was that of an officer who had not received a deremptory order.

Q. Is the Court to understand, that General Craufurd does not understand the terms of the letter: that he does remember the substance of the letter; and that the whole of the substance is what he has stated in his evidence?

A. I am not sure whether the letter contained any authority to summon the town; I have since heard that it did: I saw it only once, and that at a moment when my mind was wholly occupied by the operations then going on. There might have been other parts of the letter which I do not remember; the words of the letter did authorise General Gower to establish himself in the vicinity of the suburbs of the town.

General Whitelocke declined putting any questions to the witness for the present.

Examined by the Court.

Q. Having stated that there were no camp kettles with the expedition, were there any means provided, or was there any possibility of providing, either by horses or mules, or otherwise, to carry them?

A. When we landed at Barragon, I saw a considerable number of horses; but whether they were sufficient for conveying the kettles, or what proportion of them were allotted to carry the packs, I had no opportunity to ascertain. General Whitelocke appeared to think, that every thing should be subservient to that of gaining time, being apprehensive of the heavy rains setting in.

Q. Do you know the part of the army General Whitelocke allotted for his station during the attack on the town on the 5th July?

A. I had some conversation with General Gower on the subject late in the evening of the 4th, from the conclusion of which I understood it to be settled, that he should recommend it to the Commander in Chief to take his station, at the commencement of the action in the morning, a little in the front of the ground, on which the right of my brigade was then stationed.

Q. Had General Whitelocke allotted any station or place for the rendezvous of the troops, in the event of the attack being unsuccessful?

A. I never heard of any.

Q. Was it ever communicated to you where General Whitelocke and General Gower were to be found on the day of the attack in case of need?

A. General Gower informed me, that he should recommend it to the Commander in Chief to take his station as I have already described it. He also, in answer to a question I put to him respecting his own station, said, that General Whitelocke had ordered him to be with himself; but I do not recollect that the station was ever made known to me.

Q. In the distribution for the attack on the 5th, was any station allotted for the Commander of the forces, and the second in command?

A. To the best of my recollection, on the written disposition of the order there was none: no such was given out in the general orders. In consequence of the conversation I had with General Gower, he said, he had advised the Commander of the forces to be at White's house. I said I thought that an unbecoming station.

Q. Was any general order given at any time in public, as to where the General was to be found on that day?

A. I do not recollect that there was.

Q. What proportion did that body of the Spanish army which you defeated on the 2d July bear to the main body?

A. I saw so little of the Spanish army, I cannot say exactly. I suppose there might have been two thousand men engaged.

Q. Had the enemy been entrenched as had been reported, and that General Gower had attacked them with effect on the morning of the 2d, by coming in the rear of their entrenchments, could that have opened a passage for the men in bringing up the artillery?

A. I have already stated, that in crossing over the Chico-pass, I observed, what appeared to me a considerable part of the enemy's army, moving from their former position in the vicinity of the bridge, with the intention of taking a new one on the heights higher up the river. The operation which took place afterwards, appeared to me to be the only one which, under these circumstances, we could make with propriety.

Q. Did General Gower express any displeasure at the letter he received from General Whitelocke on the morning of the 2d?

A. Quite the contrary.

Adjourned until to-morrow.

NINTH DAY.

MONDAY, FEBRUARY 8.

The Court having met, pursuant to adjournment, Brig.-General Craufurd was again called and further examined.

Q. What was the state of the weather during the march, and towards the end of July?

A. In the evening of the 1st, it appeared very much as if the rain was about to set in: and, to the best of my recollection, Colonel Pack mentioned to me, that from the appearance of the weather, as well as his recollection served as to what had passed about the same time the year before, it was most likely the rainy season had then set in. On the evening of the 2d it rained very hard, but I do not remember the state of the weather afterwards.

Brigadier-General the Honble. William Lumley sworn and examined.

Q. Were you the senior officer of cavalry employed upon the expedition against Buenos Ayres?

A. I was.

[Here a paper to direct the witness to the principal points to which he was to confine his evidence was put into his hands.]

General Lumley, previous to giving his testimony, intimated to the Court, that he should in the course of his evidence be under the necessity of more frequently using the name of Major-General Gower, than that of Lieutenant-General Whitelocke, as he had received the most of his orders from the former. He also begged leave to state to the Court, that he had received in the course of the service, through the Maj.-General, a variety of orders which did not immediately relate to the cavalry department.

Judge Advocate.—No orders can be given in evidence, except such as the Court are compelled to consider as coming from Lieutenant-General Whitelocke. It is, therefore, material for the Court to consider how far such orders as may be disclosed in the evidence, goes to affect Lieutenant-General Whitelocke. The question is, not what orders he received from General Gower, but what orders were issued by General Whitelocke.

General Lumley.—I am soldier enough to know that all orders flow from the Commander in Chief.

Q. Proceed to state the operations of the army, and the orders issued by Lieutenant-General Whitelocke, from the time of his taking the command of the forces employed against Buenos Ayres, to the close of the night of the 4th July, previous to the attack on the 5th?

A. On the 10th May, Lieutenant-General Whitelocke, and Major-General Gower, landed at Monte Video. As soon as I heard of their arrival I paid my respects to them. On the 11th, an order was issued with respect to General Gower being appointed to the executive duties and localities of the situation, and on the following morning General Gower called me aside in the square of the government house, and asked for information respecting the posts up the country, and the number of troops stationed at each. I gave the information that he wished, telling him that I had been to the extent of about seventy miles up the country. In consequence of a conversation on the 15th, the Major-General desired that I would go up the country to purchase horses, saying, that it would be a readier way than proceeding in the usual manner by calling upon the cabildoes (magistrates). I stated to him, that four dollars was the price given by the Spanish government, but I supposed the price might have been raised, and I thought I could get very good horses for six dollars each. The horses themselves are extremely clever, and as good as any I ever saw, and I thought the cavalry might be as well mounted there as any where, except in this country. But the total want of dry food rendered them useless in a very few days; the usual way of managing them being to turn them out a certain number of hours on the open plain. There being no dry food, except a sort of sour grass cut down, called *pasto;* all the Indian corn of the country had also been just cut down. Every exertion was made to get as much of this as could be procured, previous to the arrival of the Lieutenant-general. Having stated this to the Major-general, he said, we should make every exertion to procure corn and horses. I remained at Monte Video till the 20th May, and on the 18th or 19th General Gower found fault that I was not gone up the country. I told him I had previous arrangements to make with the people at Monte Video before I proceeded up the country. On the 20th I set out and proceeded to a small village called *Las Ridras*, on the Camelo. During the few days I was up the country, I communicated with Lieutenant-colonel Torrens, the military secretary, whom I conceived to be the proper person for continuing the correspondence. On my arrival at the Camelo, I found the large rivers I had to pass over extremely swollen, even more so than usual at that season. The light troops of the country had previously cleared away great numbers of horses, and prevented the people from bringing down others. They also intercepted and prevented my messengers completing my orders. I could not proceed without considerable difficulty, and a reinforcement to assist me to cross the rivers great and little—St. Lucia and the St. Josephe. I consequently wrote to head quarters on the 23d, and received a reinforcement on the 24th, with a caution not to encounter any risk which should oblige me to engage the enemy. I was consequently prevented from crossing the rivers which were now only passable by ferries—a conveyance very scarce. I was therefore obliged to be contented with what I could procure in the neighbourhood of Camelo. Having collected above one hundred horses, besides some few I had left to replace those that were now down at Camelo, I wrote for permission to return to Monte Video as I thought I could be of no more use where I was. I returned in consequence of a letter on the 29th, to Monte Video, leaving directions with Lieutenant-colo-

nel Lloyd, to procure as many horses in that neighbourhood as he was able; and on that evening, I paid my respects to the Lieutenant-general, and the next morning to the Major-general, who found great fault with me for fixing at so high a rate, by which I had lost the opportunity of getting more horses. I assured him that was not the case; for as I raised my price, the people raised theirs, which I happened soon afterwards to have an opportunity of proving to him. I then proposed to him a plan to apply to the cabildoes (magistrates) to collect horses in the way they had always been accustomed to do for the King of Spain. On the 1st June an order was issued to that effect, and on the 4th or 5th we obtained about five hundred horses, of which some were immediately chosen to complete the artillery, in the first instance, to the number that were ordered to embark. The cavalry were also completed to 160, and several more still remained; which were turned over to the care of the steward of the King's grounds. Some others were given in charge to the 9th dragoons; and finding afterwards that there was room for a few more, they were accordingly embarked. During this period the mounted dragoons had come down from the outposts under Colonel Lloyd, and embarked on the 2d and 3d. With respect to the food, I was told by General Gower that the Commissary-general would take care of it. I had by an order of the 18th May, to give directions respecting feeding the cavalry, having previously stated the quantity of Indian corn I thought necessary. On the 3d June, a general order was issued respecting the baggage of the army; and I think, immediately after the King's birth-day, General Gower visited the stores of the 9th and 17th light dragoons, which were under the walls of the town, and insisted that all these stores should be removed. I pointed out to him, that there were a quantity of supernumerary cavalry appointments, which at that distance from England were extremely valuable. He said he did not care; that the stores must be entirely cleared, and not only that, but every dragoon himself must be lightened. I of course remonstrated very strongly with him, but he persevered. I afterwards had a conversation with Colonels Lloyd and Mahon, who stated to me, that it would be the total ruin and destruction of the regiment, as if any of the men lost any thing, there would be no means of replacing it, and if the 5th dragoons came from England, they would come without saddles or other appointments. I had previously expressed the same opinion to General Gower, and stated, that many of the officers were personally responsible to the regiment for these stores which he had ordered to be destroyed. The next morning I waited on him, and again remonstrated with him, as I thought it my duty so to do. I began by stating to him my further objections, and what a destruction it would be to the cavalry: the common wear and tear, and the winter coming on, the wildness of the horses, and the impossibility of procuring a supply from England in any reasonable time, I urged as reasons against such a measure. The Major-general was exceedingly warm and said, "We are then at issue." I told him we were by no means at issue; and that I was too old a soldier to disobey a peremptory order, but I thought it was my duty to offer a formal remonstrance. I ventured to say, that it was contrary to the King's regulations. The Major-general replied, that he did not care for the King's regulations; they could have no effect in that country, and we were come there to establish a new æra.

Here the Judge Advocate objected to this part of the evidence as being inadmissible.— Brigadier-general Lumley however proceeded.

The officers demanded of me written orders which I had not. On the 5th, General Gower having been in conversation with General Whitelocke for some short time, the latter called me, and in the course of conversation confirmed the opinion of General Gower, and directed that the order should be put into execution; observing, that he could not have such a quantity of baggage following the army about the country; nor was it possible for him to turn store-keeper, and take charge of the stores. In consequence of this I found the order must be obeyed, and I accordingly applied for a written order as the commanding

officers wished for such an authority. He referred me to the written instructions of the 3d, I consequently gave orders to the commanding officers of the two corps, and the following morning I reported to Gen. Gower, that the whole of the 9th dragoons' appointments would be made away with by 11 o'clock next day, and that the 17th's would be destroyed as soon as Colonel Lloyd could disembark sufficient men to clear the stores. On the 11th June, a board was ordered to be assembled to investigate what baggage should be kept, but this board never assembled. Three weeks corn was ordered to be put on board. The dragoon and artillery officers were first embarked, and the dismounted dragoons were ordered to take all their horse appointments with them. After the arrival of General Craufurd, the brigades were arranged, from which time the cavalry brigade was discontinued. I asked permission to send to the Commanding Officer at Colonia, who probably would be allowed to embark some horses there; and Lieutenant-colonel Bourke promised some horses should be embarked there. On the 18th, the brigades were finally arranged, and I had nothing more to do with the mounted dragoons. After that they never were in the front of the division with which I marched, except about twelve as an escort, or for orderlies to General Gower, and one or two with General Craufurd and myself. I received an order to put the spirits into the smallest casks that could be found, for its better conveyance on shore. On the 27th June, the regiments were all ready for landing; and on the 28th, the landing took place about a mile and a half from the village of Barragon. The troops were ordered to cook, and to land with three days provisions, and pork ready dressed. In the evening, I was directed to advance my brigade to the outermost point of the village, and put up in the houses as well as the place would allow. The ground was low and swampy, and consequently we had as few outposts and pickets as possible. We were ordered to march at about nine o'clock, my brigade leading the column. We walked through swampy ground, till we came to an extremely deep marsh, which took the men up to the middle: it was muddy and difficult to ride through. After marching about eight or nine miles, we arrived at the heights, where General Gower was posted the night before. The 36th and 88th were then ordered to proceed with the Major-general, who was then waiting for them on the heights. After some conversation between General Whitelocke and General Gower, I was ordered to proceed with that part of my brigade, and put myself under the orders of the Major-general. Soon after we had moved on, it appeared to me likely, being far separated from the shipping, that our communication for provisions might be cut off, and I proposed to the Major-general to allow me to return to the 17th dragoons, and bring up four or five Piones, (cattle catchers) who were attached to that regiment, and, as I stated, must be of material use in procuring cattle. To this General Gower consented. On the 3d, the troops in advance under Major-general Gower had been ordered to fall back, and the pickets to withdraw, in hopes of bringing the Spanish troops from their fortresses, and draw them into action if possible. General Auchmuty being ordered to occupy the ground on my left, as his column was passing by the front of my brigade, some of the enemy's horsemen fired on him. Before the evening closed, we were ordered to occupy a house about three quarters of a mile in front of their position, and we were directed to apply for biscuit at a house well known as Mr. White's house. At the close of the evening, the firing ceased, nothing further occurred, and each brigade drew out its own pickets. On the morning of the 4th, the troops were again under arms by day-break, when Captain Maxwell came to me from the General, with orders to repair to head quarters at White's house as soon as I could. Commanding officers of corps were also summoned to attend. I went down accordingly, and after waiting some time for Sir Samuel Auchmuty, who had not arrived, the Lieutenant-general began to explain his intentions with respect to the assault on the town that day at twelve o'clock. Stating the bad weather, the probability of worse, the state of the troops exposed to an inclement season,

and in great want of provisions, induced him to think of assaulting the town, in preference to any other mode, the Spanish General having refused to listen to terms; for further particulars and detail, he referred us to General Gower, who then proceeded to point out in the map his plan of attack; and as many as could sat down to copy it. I ventured to ask what was to be done in case we met with greater opposition than we had reason to expect, or could well oppose. I was told that was particularly answered by the orders; we were to place ourselves as far in advance as we could, taking care to possess ourselves of the houses on our left, in preference to those on our right, lest we should be exposed to the fire of our own guns. Sir Samuel Auchmuty arrived, and in consequence of his being so late, a discussion took place, whether it was possible the attack could be made at twelve o'clock that day. It was soon decided that it should not take place until the next morning. Before we left head quarters, General Whitelocke desired me to send for my Brigade-major, in order that he might go again into the town with a summons, in hopes of saving an effusion of blood, which must be expected when the assault took place. I returned to my brigade, which was still under arms, and learned that the firing had been brisk at the out-posts and the pickets, who were soon after ordered to be withdrawn, and occupy the same ground they did the day before; and Major Vandeleur, with the 88th, was ordered to the advance post to relieve the light troops, who were completely exhausted. After some further arrangements, I saw no more of General Whitelocke during that day. Lieutenant-colonel Bradford, the deputy Adjutant-general, soon after came up to me and said that my brigade should soon be relieved, but that relief did not arrive until nine o'clock at night, and I believe it was twelve o'clock before they were entirely relieved. I immediately went to make my report to General Gower, who was with General Craufurd at White's house; the brigade was then ordered to retire to their former cantonments, and I procured for them some wine, and a little biscuit.

Adjourned until to morrow.

TENTH DAY.

TUESDAY, 9th FEBRUARY.

The Court being met, pursuant to adjournment, Brigadier-general the honourable William Lumley, was again called and further examined.

His evidence of the preceding day being read over, the General observed:

"In one part of my evidence I have mentioned a conversation between Major-general Gower and myself, in which he said he did not care for the King's regulations; as this was a very strong expression, I should beg the indulgence of the Court to state all that passed upon that occasion.

Judge Advocate.—"Most certainly, if we are to take a part of this conversation, we should have the whole: but I do not see how it can in any way bear upon the charges against General Whitelocke."

Brigadier-general Lumley proceeded.

"General Gower said that no army was fit to march which carried so much baggage. That the English dragoons were always too heavy laden, and particularly in that country, where they had to act against such an enemy, and in this way was the expression before alluded to introduced. I think it therefore material to my evidence, to have this upon the minutes of the Court. I thought it but justice to myself, and I felt it my duty to give a detail of this transaction as precisely as I could, without regard to any particular person. Had I been asked a direct question, I should have given a short answer."

Judge Advocate.—"I do not see how this conversation can in any way affect General Whitelocke, but I can have no objection to its being received, if the Court wish it, and General Whitelocke does not object.

Sir John Moore.—"This is a conversation between General Gower and General Lumley. It can have no effect upon the judgment of this Court, nor does it bear at all upon the charges against General Whitelocke, and in my opinion it is indecent and improper to

remain on the minutes of the proceedings. There are many members of the Court at this side of the table, who, as well as myself, would wish it to be erased. Any thing that General Gower said about the King's regulations, is between the King and General Gower; not between this Court and General Whitelocke."

Judge Advocate.—" I can have no objection whatever to have this erased from the minutes, if the Court wish it, and if General Whitelocke does not feel it important to his case that it should remain."

General Whitelocke signified his assent, and that part of the evidence was accordingly ordered to be struck out.

Judge Advocate.—" General Lumley will proceed to state the operations of the army upon the march, after he received the order to proceed with General Gower on the 29th.

General Lumley.—" On receiving the order, I proceeded with General Gower and the light brigade, which occupied a height about six miles in front of the first height, where we had left the Lieutenant-general. The 36th and the 88th occupied houses in the rear. That night the Piones whom I brought up with me, caught some cattle for the brigade, who by that time had cousumed their three days provisions. A very small quantity of spirits had been brought up, not so much as half a day's allowance for each man. On the 30th, we proceeded from the heights, the light brigade still two or three miles in our front. We marched about eight miles on that day. Having passed a small river, we occupied three positions at farm-houses, within about half a mile of each other. On that night the Piones again procured some bullocks for the brigade, but we had neither bread nor spirits. On the morning of the 1st, I sent the Piones again for provisions, but we had not time to cook them before we marched. The whole were without spirits this day. I passed Reduction about nine o'clock, when the column under Brigadier-general Sir Samuel Auchmuty appeared in sight. I was ordered to take a position about three miles in front of the heights of the village of Reduction. General Gower told me that day, that he intended to pass the Chuelo by the Passo Chico, but found it impossible: the number of the horse of the enemy annoyed our march very much, and wounded one man. In the evening we procured a store of sheep, but were still without bread or spirits.

Here a member of the Court objected to going further into this kind of evidence, as irrelevant to the charges against General Whitelocke.

Judge Advocate.—" I should certainly decline going into this minutia of evidence, but I must beg leave to remind the Court, that 'this is not the case of an officer on his trial by Court Martial for any particular fact alledged against him; but it is the first trial by Court Martial that has ever been established to inquire into the conduct of a General officer, having the chief command of an expedition against a foreign province.'"

General Lumley. " On the morning of the 2d, I received orders from General Gower to be on readiness to march, and we did so before nine o'clock. I think by this time we had consumed all the provisions. The Major-general delivered the direction of the march into my hands, and said if any thing happened to him, I should take the direction of the brigade. The object to be obtained, was the passage of the Chuelo, which was said to be occupied by the enemy with masked batteries. The 87th was ordered to join me in the march, and General Gower requested that commanding officers would take particular care to permit as little firing as possible. The day before, a considerable number of the 88th and 36th fell back extremely exhausted, and on the morning of the 2d, my brigade also appeared extremely exhausted very soon after the march commenced: I proceeded in the track I supposed the light brigade to be in: I heard a firing, and my Brigade-major represented to me that I should lose half my brigade, but I thought I should push on, and I bore to my left. I was in the dark for near two hours, completely lost. The men this day had nothing either to eat or drink, except part of the mutton some of them might have preserved from the night before. We were marching from nine in the morning till nine at night. The men lay on the ground all

night, and their clothes never dry. On the 3d in the morning, the troops were again under arms."

Q. You have stated that the dismounted cavalry were ordered to take their appointments with them. What were these appointments?

A. Their bridles, saddles, and every thing belonging to horse appointments.

Q. What quantity of cavalry stores were made away with in consequence of the order you have spoken of?

A. They were all those belonging to the men who were not fit for duty, or likely to be so, and some of them out of repair. I gave the order, and I saw the stores cleared. Some of them I saw thrown into the streets, and some were sold to the inhabitants.

Q. Was there any reason why that proportion of the cavalry appointments, which it was not thought convenient to embark with the expedition might not have been left in the stores at Monte Video?

A. I know of no reason whatever.

Q. Were the regiments composing your brigade, which you stated to have been confined on board transports so many months, in equally good condition for marching, as the regiments which had been longer in the country?

A. In my opinion certainly not, with the exception of the 17th light dragoons.

Q. Was the station in which General Whitelocke was to be found during the attack on the 5th July, notified to the General and other officers commanding divisions?

A. Not to my recollection that I have ever heard of.

Q. Was the place of retreat in case of failure, pointed out to the General, or other officers commanding divisions?

A. I never heard of any such place being appointed.

Q. Do you know the effective strength of the 36th and 88th regiments, composing your brigade, on the morning of the march into the town?

A. The two regiments could not have exceeded one thousand men. Of those that entered the town, the 36th was about six hundred, and the 88th between three and four hundred rank and file.

Cross-examined by General Whitelocke.

Q. Was not every proper exertion made to increase and render effective the cavalry, during my stay at Monte Video?

A. With respect to procuring the horses, it certainly was. With respect to procuring corn for them, I also believe it so.

Q. Had your brigade any longer distance to march than the other brigades, except on the 2d; and did not the main body of the army march a greater distance on the 1st?

A. That is a question I cannot answer, for I did not know where the main division was on the night of the 30th.

Examined by the Court.

Q. Did you see or otherwise know the contents of the letter from Lieutenant-general Whitelocke, to Major-general Gower, on the 2d of July?

A. I never saw any such letter, nor do I know the contents of it, except as I have already stated, that on the 3d he said he had authority from the Lieutenant-general to proceed.

Q. Did the men of your brigade land with blankets and great-coats, and did they bring both these articles with them into the suburbs of Buenos Ayres?

A. They did land with them, but from the 1st of the month on the march towards Reduction, before we arrived at that place, the men were ordered to throw away their blankets and great-coats, much about the time that General Gower told me that he intended to cross the Chuelo that night.

Q. Did the men of your brigade fall back, or appear exhausted during the march on the 29th and 30th of June?

A. Certainly not on the 29th; the 30th was a short march.

Q. What was the strength of the cavalry regiments per troop, that landed at the Ensinada?

A. The whole eight troops amounted to about 550 rank and file. It is impossible to say exactly, for they were not then under my command.

Q. When you were ordered to head quarters on the 4th July, to receive directions for the attack, did you consider yourself called upon to give an opinion on the plan proposed, and did you express your approbation of it?

A. I certainly never considered my-

self in any way called upon to give an opinion on the plan of attack, except, as I before said, as to the time; nor did I ever express my approbation of it.

Q. How long were the horses on board ship, for what period were they provisioned, and in what condition were they disembarked?

A. Most of them were on board from the 2d and 3d of June till the day of disembarkation on the 28th. They were provisioned for three weeks; but I was afterwards given to understand by the Quarter-master-general that the supply was increased. With respect to the disembarkation I cannot speak, as they were no longer under my command.

Q. How long were they on board before the main body embarked at Monte Video?

A. To that question I cannot speak with any certainty, except as to the 17th dragoons. We embarked previous to the 8th, part of which day was employed in embarking troops and stores. The last of the 9th light dragoons were not embarked till the 19th.

Q. You have said that it was completely dark when you joined General Craufurd's corps on the 2d, and that your men were exhausted when they came up. Was your brigade, at the time of your junction, in a condition to support an immediate attack on the town, if made by General Craufurd's brigade, or was there sufficient time for it?

A. It is impossible to say what further exertions the spirits of such men would have enabled them to make. By that time they were much exhausted. What assistance they could have given would certainly have been very inefficient, having been marching ten or twelve hours without any thing to eat. If the attack had been made, it must of course have been a night attack.

Lieut.-col. Lloyd sworn and examined.

Q. Did you command the 17th light dragoons on the expedition under Lieutenant-general Whitelocke against Buenos Ayres?

A. I was nominally appointed to command four troops, consisting of 40 men each, mounted, with their proportion of officers. At Monte Video I commanded the whole regiment.

Q. State the effective strength of that regiment in men and horses, and the articles of cavalry appointments.

A. On the 1st of May we had 224 mounted, the remainder were dismounted, amounting altogether to about 595 rank and file, in different cantonments in and about Monte Video.

Q. State the proportion for service as to cavalry equipments.

A. They were equipt as well as the nature of the service would allow: those appointments not in use were in the stores at Monte Video.

Q. Were there cavalry appointments in store at Monte Video for the whole of the regiment?

A. There were, complete.

Q. Was any part of the articles of equipment made away with at any time?

A. There were some which were ordered to be disposed of.

Here General Whitelocke objected to this evidence, upon the grounds that the charges were relative to the attack upon Buenos Ayres, and not to any previous transactions: that this question was wholly irrelevant to the subject matter under enquiry.

Judge Advocate.—"This is a point that the Court are to decide upon. If it appears in their judgment that these stores had been improperly made away with, it will be for them to consider and enquire by whose order they were so made away with. It does appear to me that in Lieutenant-general Whitelocke's making preparations at Monte Video for that expedition, this transaction might have come under his direction: this evidence goes to shew that these stores, which were provided for the expedition, were disposed of in an improper manner. This certainly is a question completely relevant to the subject matter of these charges; and I am at a loss to know how this objection can avail, the Court having already decided that every thing relative to the preparations for that expedition should be matter of evidence.

The Court was then cleared for a short time; and on the business being again resumed, it was intimated to General Whitelocke that the objection was overruled. The question was accordingly repeated.

A. There were some articles of cavalry appointments disposed of by order of Brigadier-general Lumley.

Q. Can you state the amount of the articles made away with?

A. I cannot state them exactly. There were ten sets of appointments, boots, &c. for which there were not men effective, and were such as we could not then want. I wished them to be sent to England for the Colonel of the regiment. They were to go; and I selected some for that purpose: but from the hurry to embark I had not time to dispose of them, and an officer was left in charge of some of them, where they lay in the street. General Gower, as was reported to me, desired the officer to leave them there, or he would put him under an arrest. A quantity of cloaks, swords, carbines, &c. were left behind, not being allowed to take them with us. I gave an order that they should be either sent to England, or disposed of at Monte Video.

Q. Might they not have been left in the stores at Monte Video?

A. I know of no reason why they might not have been left there. I believe that they were turned out in consequence of the order before mentioned, as I understood that Gen. Whitelocke wished to have every thing disposed of beyond the effective strength of the regiment, and that there should be no more baggage remaining with the army than was sufficient for the effective force.

Q. After quitting Monte Video the command of the cavalry fell on you. State the effective strength of your regiment in men and horses, their equipments, &c. on the landing at Barragon on the 28th of June.

A. I was desired to send a detachment with the advance under Major-general Gower. The regiment consisted of three captains, nine subalterns, eight serjeants, one hundred and twenty-six rank and file, and one hundred and eighty-seven horses; two horses died in the village, and several were lost in disembarking. The dismounted consisted of four troops, four hundred and sixty-one rank and file, with a field officer. Forty men of the mounted and the dismounted were not disembarked till the next day. Of the mounted cavalry two troops were ordered to be dismounted, their saddles sent back to the ships, and ordered to put themselves under the direction of the Commissariate, to carry provisions, or sick or wounded, as occasion should require. The remainder, about thirty mounted, joined at the heights of Barragon, and I believe I saw no more of them after. On my coming to Barragon I was ordered by General Whitelocke to remain there for a particular duty, to superintend the getting of provisions for his column that was to march that day. The 17th dragoons were ordered to remain with Lieutenant-Colonel Mahon, and the 9th to go on with the General, in consequence of which I became part of Colonel Mahon's brigade. The remainder of the dragoons went forward under Generals Whitelocke and Gower, except the thirty men I had with me. Ten of these were sent forward afterwards with a dispatch to Reduction, where they arrived on the 2d or 3d?

Q. On what day did Lieutenant-colonel Mahon's brigade arrive at Reduction?

A. I think on the first, but am not positive.

Cross-examined by General Whitelocke.

Q. Was it not from the public storehouses that the stores were ordered to be removed by General Lumley?

A. They were in cantonments belonging to the garrison given to the 17th dragoons by Sir Samuel Achmuty, for the purpose of keeping their appointments in.

Q. Were there any return of those stores made at head-quarters, or any application made for indemnity for their loss?

A. Yes. I myself gave in a return and made such application.

Adjourned until to-morrow.

ELEVENTH DAY.

WEDNESDAY, FEB. 10.

The Court being met, pursuant to adjournment, Sir Samuel Auchmuty, was sworn and examined. The two first charges being read—

Judge Advocate.—" State to the Court, as particularly as you can, the operations of the army under Lieutenant-general Whitelocke, upon the expedition against Buenos Ayres, from the period of the General's arrival at Monte Video, to the close of the 4th of July, previous

to the attack upon the town, as far as the same came within your knowledge.

A. General Whitelocke landed unexpectedly at Monte Video, on the night of the 10th of May. The next morning he requested I would consult with Major-general Gower, relative to the military affairs of the expedition. Before I could communicate with General Gower, he had assumed a command over the troops, and issued orders. From that day until the army was brigaded, which was a few days before we embarked for Buenos Ayres, I had no particular command or interference with the troops at head-quarters, except twice, when the army was under arms, I was requested to take the command of the infantry. Two days after the generals landed I was requested to accompany General Gower to examine all the ships in the harbour, and to select those which appeared fit for the navigation of the river. With these exceptions, to the best of my recollection, I was not consulted or employed in any arrangements, civil or military, respecting the equipments for taking the field; but in matters respecting the outposts of the army I was generally consulted. I was frequently privy to conversations at head-quarters, as to the practicability of carrying into effect the expedition at that advanced season of the year, as well as the most advisable place for the army to land. A landing above the town it was evident would be attended with the fewest difficulties, but it was doubtful if the channel would admit our approach. The assisttant Quarter-master-general had been dispatched previous to the General's arrival with proper naval officers to examine the banks of the river, and upon his return the Quarter-master-general, Lieutenant-Colonel, Bourke was also sent up; and I understood from his report that it was nearly impracticable to land above the town. I was also present at the examination of many persons who were well acquainted with the country, and knew the town; and from what I could collect it was very difficult, but not impracticable, to pass the morass between the river and the heights at any season of the year; and the General assured me that, without any difficulty, he could throw a bridge over the Chuelo. From this I concluded he intended to land below the town, but I was not privy to his final determination. When the troops under General Craufurd arrived, I intimated to the General that I conceived that a mild, but a firm, letter to the government of Buenos Ayres might be attended with good consequences, and I offered to carry it myself. The General approved of the idea, and requested I would make out a draft of one. He afterwards approved of it, but thought it advisable to delay any summons till he should appear before the town. I was unacquainted with any further steps taken to induce the enemy by negociation to surrender the town. On the 17th of June I embarked for Colonia with the troops lately arrived from the Cape. I was to take the command there until the rest of the troops came up, but I had no particular instructions respecting that post. Having a long passage, General Gower arrived there the same day (the 24th of June); and when I waited on him the next morning he was dismantling the works, intending to evacuate the place, which was effected the following day, and the troops there sailed to join the Admiral, who came to an anchor that afternoon off the Ensinada. Orders were issued for the light and my brigade to land the next morning; but many of the ships of my brigade had not yet joined, nor was it possible to notify to them all the orders I received. As the night was rainy, the landing was not effected until the next morning, the 28th. The troops then landed with three days provisions ready dressed. My brigade consisted of the 5th, the 38th, and 87th regiments, about 2000 rank and file. The two latter inured to the climate and service, in high order, and with every necessary equipment for the field, except, like the rest of the army, they landed without camp equipages or camp kettles. The 5th had just arrived with General Craufurd, also in high order and equipment. A strong brigade of artillery was to have been attached to me, but it never joined. Immediately upon my landing the 38th and 87th were detached from me, and I was left with the 5th at a battery near the landing-place. No opposition was made to the landing, nor did we see any of the enemy.

The next morning I marched with the General, and the main body of the army, to the heights about five miles through a flat country, a great part of which was under water; in some places two or three feet deep, and intersected with very deep swamps, through which we marched the greatest part of the day, and the troops were much fatigued. The principal *constancia*, or country house, where we halted, was not abandoned, but what information the General got there I am ignorant of. A few of the enemy's horse reconnoitred us in this position. The 38th and 87th had been left at this position, and now joined us. The line was ordered to march at nine o'clock on the 30th; but as Reduction was two long marches from us, and the men had but one day's provision in their knapsacks, after the severity of the march, and being up to their middles in water, I observed to the General that I was more apprehensive from want of provisions than from the enemy; and afterwards, upon his expressing some disappointment respecting the Commissariate, and remarking that he must be Commissary as well as General, I took the liberty of saying to him, that if a General did not himself attend to the supplies of his troops, they would often want provisions. Previous to the march this day, a flock of sheep had been discovered, and brought in to our camp, but it was so late before it could be secured, that few of the men had taken more than one day's consumption of meat, and many not so much. They carried it uncooked, with some biscuit, not equal to a day's consumption. My brigade came to the ground at Roderigo's house before sunset. I was sent between three and four miles in advance with the carbineers, the dismounted of the 9th dragoons, and part of the 95th. We arrived at our ground about dusk. The march this day and the next was on rising ground with a fine turf, intersected every two or three miles with swamps and creeks, some of them very difficult to pass, and all of them deep for the troops to wade through, who were nevery dry during the march. Many horsemen made their appearance this day, and at night there was some firing at my pickets. The next day (the 1st,) my division was under arms at day-break, waiting for the rear, who arrived about eight o'clock: they were to have joined me much sooner, and we again marched. I pressed the General to let me march without waiting for him, as the march was long, and I conceived that both divisions would move with more ease, and come sooner to their ground separated than united. This the General would not permit, observing, that he wished to accustom the troops to march with regularity. The march taken the preceding day had been much impeded by frequent halts. We arrived at Reduction by dusk. Most of the troops had meat issued to them in the course of the evening. We saw many of the enemy's horsemen in the course of the day; but the few houses we passed both yesterday and this day, as well as the village of Reduction, were abandoned. Parties were ordered to Point Quilmes to bring up provision, as the communication with the shipping was now restored, and butchers were sent early in the morning to prepare meat for the men. On returning from reconnoitring the next morning, I waited on the General, and expressed my hope that he would rest the troops at least that day; that they were nearly exhausted, and the advance corps, from the number they had left at Reduction, appeared still more so. The General replied, that it would depend upon a letter from General Gower, and soon after I was ordered to beat to arms; and we left the meat then ready to be cut up and distributed on the ground. I again intimated to the General that the troops were without provisions, and his reply was—"don't you see it is going to rain?" As the troops did not march immediately, I still hoped they would take some of the meat in their haver sacks; but they were prevented, I understand, by the orders of the General. We were ordered to march from our right, by the grand road leading to the advance corps, but immediately before we moved I was informed the route was changed, and we marched from our left by ten o'clock. The first part of the march was good, but we afterwards got into low swampy ground, which was very difficult to pass, and the men had to wade a long way through the water. Between two and three o'clock,

immediately after leaving the swamp, the General sent for me to the front, and asked my opinion about proceeding. He observed that the guide had deceived him; that the ford of the Chuelo was still, by his account, many miles off; that there was no chance of reaching it before dark; that he had secured cattle for the troops; and that where he then was there was a sufficiency of fire-wood to cook the meat. From this statement, and knowing the troops were completely exhausted, I was decidedly of opinion we had better halt where we were. I must here observe that it was then about three o'clock, and the day closed at five. Plenty of meat, and half a day's bread, were issued to the troops. The troops were rather discontented, and at my suggestion an order was issued by the General, encouraging them to do their duty cheerfully. In the evening we heard the firing of the advance corps, and the General appeared to be extremely uneasy at the awkward situation in which he was placed. He asked my opinion whether I conceived General Gower was sufficiently strong to resist the enemy? I answered, that unless he advanced into the town, I was persuaded there was no danger, whatever numbers might oppose him. He appeared more satisfied with this remark, and said he had so high an opinion of General Gower, he thought he would not attempt the town without him. We marched again an hour before day-light, on the morning of the 3d: the country we passed through was low, and at times swampy; it was raining then, and had been raining part of the night, and had there been much more, it would have rendered the way impassable. About noon we came to a ford in the river Chuelo, but did not pass it. We soon came to a second, which we did pass; it was narrow, but deep; and in some places nearly five feet. Not long after, between two and three o'clock, we communicated with General Gower, and my brigade was ordered to take a position, with my right joining General Lumley's left, and extending towards the convent of the Recolita. On approaching it, I found that General Lumley's brigade had retired, and the enemy's light troops had advanced to it. I formed my brigade on the rear of the position, and reconnoitred it, and when the troops on my right were prepared to regain their position, I advanced and occupied it. Some of the enemy's shot reached the line both before and as we were advancing. It was dark by the time the brigade was formed, and the rain fell in torrents. The men were sheltered in houses, and received an allowance of biscuit and some liquor. There was much firing during the night at the out-posts, which I endeavoured to prevent, as, from the reports which reached me, I had reason to believe there were few, if any, of the enemy approached. Early the next morning I found the enemy had got round my left flank, and were in considerable number in my rear. I moved the 38th on my left to the rear, and after some firing the enemy retired. It was now near ten o'clock, and a dragoon informed me that the General was waiting for me at head quarters; and on my arrival there, the General informed me that the principal officers of the army had been waiting for me about two hours: and upon investigation it appeared that General Gower's aid-de-camp had been sent to me at day-light, but was taken prisoner on his way. I found the General and the field-officers in possession of a plan of attack, which was to be carried into execution at twelve o'clock. It was explained to me by Lieutenant-colonel Bourke, who had a plan of the town before him. I observed that the regiments of my brigade were totally unacquainted with the intended attack, and I apprehended there would not be time to communicate it to them, and make the necessary arrangements for carrying it into execution. I also observed, having previously conversed with some of the principal officers, that mid-day was an improper time to march through the streets of a populous city, and I should conceive we should penetrate further, without serious loss, if we deferred the attack till day-break next morning. The General mentioned this proposition to General Gower. The room being cleared of all the officers, except the General and Lieutenant-colonel Pack, General Gower acquiesced in the propriety of its being deferred. An officer was copying the general order for the attack, but General Gower observed that there was an

alteration to be made in them, and he would send me a correct copy in an hour, and which I received in the course of the afternoon. I left head quarters with the Deputy Quarter-master-general, who was to point out to me the heads of the streets that my brigade was to occupy; but we received the intelligence, that the enemy was coming out of the town in force, and I repaired to my brigade, and soon after was ordered to retire to the rear, in hopes of enticing the enemy to advance. We remained under arms the principal part of the day, and when the brigade re-occupied their ground, the Deputy Quarter-master-general pointed out to me the different streets through which the columns were to penetrate. I then explained to the field officers the routes of their columns, and gave directions for their being properly placed in time the next morning; and I desired them to send for the tools that had been ordered. By this time it was dark, and frequently during the night it was reported to me that attempts had been made to obtain the tools without success. I obtained a few however from the houses we were in possession of.

Q. What information, do you know, did General Whitelocke receive of the strength of the enemy; the nature of his entrenchments, and his means and disposition to resist, on his arrival at Monte Video?

A. In my communication with General Whitelocke on his arrival, I acquainted him that the inhabitants were so implacable against us, I could gain little information from Buenos Ayres, and that little was not to be depended upon; that General Beresford had better means of information than it was in my power to obtain, and he had informed me that the number of regular troops which the enemy possessed were few, and their General by no means a man of ability; that they had a large body of men in arms, and a powerful train of artillery. I was unacquainted with their intentions or plans for the defence of the town, nor am I acquainted with any particular information the General afterwards obtained.

Q. Having stated that on the arrival of General Craufurd you proposed to General Whitelocke to send a mild but firm letter to the Spanish Commander, have you kept a copy of that letter?

A. I have not: I destroyed the draft, but I suppose the General's secretary has a copy of it.

Q. You have stated that you went from Monte Video to Colonia, do you know whether all the stores and horses were brought from thence, or what were left?

A. I am totally unacquainted with every thing that was done at Colonia, except that the ordnance was destroyed and thrown into the river, and the place evacuated.

Q. Why was Colonia first chosen as the place of rendezvous, and afterwards abandoned?

A. I do not know.

Q. Would not the possession of Colonia have given a commanding influence on the left bank of the Plata, of great importance to the operations in which the army might be expected to be engaged after the surrender of Buenos Ayres?

A. Colonia was the only fortified post on the left bank of the river above Monte Video, and consequently must always be of importance.

Q. You stated that a strong brigade of artillery was to have been attached to your corps. Can you tell why it never joined?

A. I know not that the General had any particular reason for leaving it in the rear; but from the rapidity of our march, in obedience to the orders, it was hardly possible it could join.

Q. What artillery had you with your brigade?

A. I had none with my brigade.

Q. Can you tell how it happened that your brigade and the main body of the army were in want of bread and spirits so early as the 29th?

A. The difficulty of bringing spirits across the swamp sufficiently accounts for it. I have already said that the troops marched on the 28th, with three days provisions, and I apprehend much of the biscuit must have been destroyed in wading through the water on the 28th and 29th.

Q. What became of the provisions landed at the Ensinada for the army?

A. I cannot tell; but on the morning

of the 30th I have said there was some biscuit.

Q. Is the Court to understand that from the evening of the 28th to the 30th, no provisions were issued from the Commissariate?

A. None, except that some of the regiments had meat from the country, issued by the Commissariate.

Q. Can you state what quantity of spirits was issued to the main body of the army during the march from the Ensinada to Reduction?

A. My brigade received liquor the 29th and the 30th, but at no other time.

Q. If there had been more mounted dragoons to scour the country, would not the country have afforded an ample supply of provisions for the army?

A. Most certainly: with the assistance of the natives, who alone can drive the cattle.

Q. Was any, and what number of lasso-men accompanying the army?

A. We had some, but I do not know whether they accompanied the main body or the advance.

Q. Do you know of any orders having been given, or means taken, by General Whitelocke on this subject?

A. An order was issued on the 28th, forbidding the troops, on any account, from taking provisions themselves without paying for them, as arrangements had been made with the Commissary-general for supplying the troops in the field.

Q. You have stated that some provisions were got from the fleet at Point Quilmes. Would there have been any difficulty in procuring such a supply from the fleet as the army required in the same manner, and by the same means of communication?

A. It certainly could have been obtained, but not without difficulty, for it must be brought over a morass about two miles.

Q. Do you know whether any provisions were obtained from the fleet at Point Quilmes for the use of the army?

A. I concluded there were, as parties were sent there to receive provisions.

Q. Do you know whether General Whitelocke received any, and what information at Reduction, of the position and strength of the enemy on the Chuelo?

A. I do not.

Q. You have said, that on returning from reconnoitring the General told you his march would depend upon a letter from General Gower, can you state any more particulars of the conversation you had with General Whitelocke previous to your march on the morning of the 2d?

A. I recollect no further than I have already stated; but I am certain the conversation ended with the General's remark that it was going to rain.

Q. What hour was it?

A. About nine o'clock.

Q. Did you know before this conversation that General Whitelocke had dispatched any letter or order to General Gower?

A. I did not. The Court will recollect that there were two conversations: the first as to the letter from General Gower; afterwards the order to beat to arms, when I mentioned the troops were without provisions.

Q. Did General Whitelocke, at another conversation which you stated you had with him that morning, inform you of the purport of the letter which he told you he had sent to General Gower?

A. The General never told me he sent a letter; what I concluded was, that he expected one.

This question and answer were withdrawn.

Q. Did General Whitelocke make any, and what observation, when you mentioned the exhausted state of the main body of the army, and of the advance corps, which you judged of from the number found at Reduction?

A. I do not remember any particular remark he may have made.

Q. You stated that you were desired to beat to arms; do you know whether the General in the interval had received any letter from General Gower?

A. I do not.

Q. I understand from your evidence that when the drum beat to arms, you represented to the General the exhausted state of the army, and the want of provisions. When he replied it was going to rain, did he or did he not say any thing of any information he had received from General Gower?

A. He did not.

Q. What sort of weather was it?

A. The night of the 1st we had a few drops of rain; the 2d was very cloudy, with the appearance of heavy rain. It did rain a little in the afternoon, and again about two o'clock in the morning of the 3d.

Q. You have stated that the first order for march was from the right, and was afterwards changed to the left, can you state the reason of this change?

A. I enquired of the Deputy Quarter-master-general, and was informed by him that the guide had promised to lead the General by a better way than the Chico pass, at a ford rather above that pass.

Q. At the time when the army halted on the 2d, were you apprized of the operations in which the advance guard of the army was to have been engaged on that day?

A. I understood that it was intended they should force the river where they could, by the Chico pass, or above it.

Q. From whom did you receive that information?

A. I cannot say: but it was generally understood.

Q. Did you hear the Deputy Quarter-master-general inform General Whitelocke, at the time when the question of halting was under consideration, that he knew that General Gower considered the order he received as peremptory, and was determined to obey it?

A. I do not know the order alluded to.

Q. Did you hear the Quarter-master-general, at the time referred to in the last question, say any thing of what he knew to be the situation of General Gower?

A. To the best of my recollection I do not.

Q. You have stated that in your opinion the halt was advisable from the exhausted state of the troops, and from the facility of procuring provisions at that spot. If any important service had been to be performed, would the situation of the troops have been such as to make a halt unavoidable?

A. The spirit of the troops would, I have no doubt, carried them through further difficulties; but, unless for very essential purposes, I do not think they would have marched much further.

Q. What was the cause of the discontent among the troops you before alluded to?

A. It originated in their not getting wood with the facility they wished, to cook their provisions.

Q. You have stated that you were summoned to attend at head quarters on the 4th; was that summons the first intimation you had of the plan of attack?

A. The first intimation I had of the plan of attack, was after I arrived at head quarters in consequence of that summons.

Q. Can you tell whether any, and what measures were taken by General Whitelocke on the 3d, and close of the 4th, towards ensuring success to the attack upon the town, by bringing up artillery, or by any other means?

A. I have given in evidence every thing I know upon the subject.

Q. Would not the position of the Recolita, by having secured the left flank of your brigade, facilitated the operations of the army, and likewise in opening a communication with the fleet?

A. I know not how far it would have been advisable to have detached a corps to the Recolita. Certainly a communication could not have been kept open unless part of the line were marched more to the left.

Q. Would not a position on the Recolita have been thought advisable for producing the advantages stated in the last question?

A. It certainly would, if it had been supported.

Q. Was the station in which the Commander in Chief was to be found during the attack on the 5th notified in orders, or otherwise, to the Generals and field-officers of the army?

A. It was not notified to me.

Q. Were the points of retreat, if retreat became necessary, notified in orders, or otherwise, to the Generals and other field-officers of the army?

A. It never was notified to me.

Q. Have you any other information to give the Court on the subject of the charges you have heard read, down to the period of the close of the 4th of July?

A. I cannot call to mind any other information.

Cross-examined by Lieutenant-general Whitelocke.

Q. Did you not give to General Whitelocke, on his arrival at Monte Video, copies of the letter you had written to the Secretary of State, giving an account of the country, and the force necessary to conquer and keep it?

A. I did.

Q. Was your opinion then of the disposition of the inhabitants, and the force necessary to conquer and keep that country, altered by any subsequent observation; and if it was, in what respect?

A. My opinion remained unaltered.

Q. Was not every preparation made, and arrangement completed, on hearing that General Craufurd was in the river, in order that no time should be lost as soon as he joined, and stores and horses embarked as far as was practicable.

A. Preparations were made, and horses embarked. I have already mentioned how far I was consulted on these preparations.

Q. How long was General Craufurd detained by contrary winds in the river, before he arrived at Monte Video?

A. I heard that Admiral Murray was seen in the river on the 30th May: he came to anchor at Monte Video on the 14th June.

Q. Considering the state of the troops on the march, wet all day, in swamps they had to cross, did the convenience of fire-wood appear to you to be necessary?

A. For cooking absolutely necessary, for drying the men most desirable.

Q. Could the men have found any other places of halting, where fuel could be procured, except at the farm-houses, and were not their marching and halting, in some measure, regulated by the situation of these houses?

A. Fuel could only have been found at the farm-houses, and the march and haltings were regulated by these considerations.

Q. Could we have procured this convenience if the army had marched in parallel columns?

A. I saw few or no houses on our left flank, being the only line in which our column could have marched. On our right was a swamp.

Q. Could we, considering all the circumstances, the nature of the ground, and the state of the troops, have marched with greater rapidity, or arrived sooner, without distressing the men?

A. I do not think we could have marched to Reduction sooner without distressing the men, although, perhaps, they might have come to their ground sooner on each day's march, without distressing them, if we had not halted so frequently on each day's march.

Q. Had I not repeatedly expressed my apprehension as to the rain setting in, and my anxiety to get into the vicinity of the town, and put the men under cover?

A. The General frequently expressed his apprehensions of the rain setting in, and I have no doubt he also expressed his anxiety to get the men under cover in the vicinity of the town, although I do not particularly recollect it.

Q. If their strength would have allowed them to press forward and reach the vicinity of the town, could not the commissariat have procured a plentiful supply for the army from the cattle taken in the country?

A. There is no doubt but cattle might have been had in abundance, with proper precautions.

Q. As soon as we had taken Buenos Ayres, could we not immediately have occupied Colonia?

A. Most certainly.

Q. Would it have been advisable to have diminished the strength of the army by leaving a large body of men, in order to maintain Colonia, while the army proceeded against Buenos Ayres, or would it have been safe to have left a small detachment there?

A. Colonia, from its situation and defences, did not require any large body to be left at that time.

Re-examined by the Judge Advocate.

Q. In answer to a question by General Whitelocke, you said the army could not reach Reduction sooner. Were the regiments composing the brigade, which you have stated to be inured to the cli-

mate and service, in better marching order than the 36th and 88th, which had been confined for nine months on board of transports, and composed the advance corps?

A. The 38th and 87th marched better than the 5th. I wish the Court to understand that the 38th, the 40th, and the 87th, would not themselves have marched to Reduction sooner; I mean to say, that the 38th and 87th would have marched better than the 36th and 88th.

Q. If the advance corps, consisting of the 36th and 88th, were able on the 2d to march from their position and advance to Reduction, to cross the Chuelo, and take post on the Miserare; might not the whole or larger proportion of your brigade have marched as far from Reduction, if the line of march of the advance corps had been followed, and the river passed at the same ford?

A. Part of the brigade, I have no doubt, might have marched further; the whole certainly might have marched as far.

Examined by the Court.

General Sir John Moore.—The Court wishes to know from an officer of such service and experience as Sir Samuel Auchmuty, and whose knowledge of the resources of the country enables him to form an opinion, which we have endeavoured to get from other witnesses, but have not yet satisfactorily; that as it appears by your evidence, that on the march of the army towards Buenos Ayres, the troops were every day much fatigued, were kept under arms during the greater part of the day, without a regular issue of provisions, and yet they were four days in marching thirty miles, attended with all the inconvenience of a forced and rapid march without the main object of getting quickly forward: whether in your opinion a previous arrangement might not have been made that would have enabled the army which landed on the 28th of June, to have advanced in the morning by day-light from the heights of Barragon, and reached soon afterwards, without serious inconvenience the post of Reduction on the 1st of July.

A. I have no doubt but that arrangements might have been made, which would have enabled the troops to have reached the heights above Barragon on the 30th of June, and Reduction on the 1st of July: but am very doubtful whether the cannon necessary could have been brought up with the troops. The guns came up on the 2d, but they were so long getting over the swamp between the Ensinada and the heights, I doubt whether they would have been ready to march on the 30th.

Q. In that case, might not the river have been reconnoitred in the course of that day, and a disposition made for passing it on the 2d, and advancing to the suburbs of Buenos Ayres?

A. I have no doubt that arrangements might have been made for the troops, but not for the artillery. The advance corps marched on the 29th; there might have been time enough to reconnoitre the river on the 1st, and the army might have been in readiness to march from thence to Reduction on the 2d, but not with the principal part of the artillery.

Q. What proportion of artillery had the main body with them on the march to the heights above Buenos Ayres?

A. At first I saw none, afterwards there were one or two pieces with the advance guard.

Q. Was the main proportion of the artillery belonging to the army left behind with Colonel Mahon at Reduction, or did it accompany the army on the 2d?

A. It did not accompany the army on the 2d.

Q. Did the inconveniencies you have stated on the march arise from necessity, or from the nature of the arrangements?

A. Much inconvenience arose from the nature of the country we marched through; other inconveniencies arose from want of regular provisions, and from frequent halts, which brought the men so late to their ground, and the necessity of which I did not see.

Adjourned until to-morrow.

TWELFTH DAY.

THURSDAY, FEB. 11.

The Court being met pursuant to adjournment, Brigadier-general Sir Samuel Auchmuty was again called and examined by the Court.

Q. Is there any particular rainy season in that part of South America where you have served, or does it rain for any particular period of the year in that climate, or does it rain at short intervals?

A. It rains at intervals during the whole of the year. In the winter season I understand the intervals are shorter, and the rain of longer periods.

Q. What was the state of the road from Monte Video to Colonia? Were there any, and what obstacles to prevent a body of cavalry or infantry, or both, marching from Monte Video to Colonia, and what would have been the distance of such march?

A. There are many difficult rivers between the two places at that season of the year. I should have thought the distance to be about 130 miles. A detachment might have had time to march, but if heavy rains had fallen they would have been liable to have been shut up between the rivers. I had an instance of this in General Lumley, for if he had remained a day or two longer, he might have been shut up for a fortnight.

Q. What proportion of cavalry was mounted, and of what regiments did the mounted part consist when General Whitelocke took the command?

A. At Monte Video and its dependent posts part of the 17th dragoons (about 400 men) mounted: at Colonia about 100 mounted of the 9th light dragoons. I must observe to the court, that at that time there was not a sufficiency of grain, and of course the horses were obliged to be turned out to grass. There might altogether be nearly 1000 horses, but very few in any kind of order.

Q. If a movement in force had been made from Monte Video to Colonia in the month of May or beginning of June, would it not have furnished the means of supplying the army with the best horses?

A. There were few good horses in that part of the country. When General Liniers crossed the river in order to relieve Monte Video, his march was delayed for want of horses, otherwise he would have been at Monte Video before I could have assaulted it.

Q. Having mentioned the frequency of the halts in the course of the march, can you account for them?

A. I cannot. My station was generally in the rear. They were very seldom occasioned by the rear being at any distance from the main body. It is to be understood, that halts were necessary in crossing the tiples (rivulets).

Q. When the main body halted on the 2d of July, would it have been possible in their situation to have given support to the advance corps in case of need?

A. When I gave my opinion that it was advisable to halt, I was fully persuaded in my own mind that we could not support the advance corps.

Q. When the firing on the 2d was heard, did General Whitelocke take any measure to find out from whence it proceeded, or to ascertain the situation of of the advance corps under General Gower?

A. I do not know that he did.

Q. Do you know the reason for Colonel Mahon's being ordered to halt at Reduction?

A. I recollect the General saying, that it would be advisable to halt Colonel Mahon, until we should find out where we were ourselves.

Q. Could not the artillery and the troops with Colonel Mahon, which reached Reduction on the 2d, have been brought up to the main body on the evening of the 4th?

A. It certainly might have marched from Reduction to the suburbs of Buenos Ayres in two days; but if the heights above the bridge had been evacuated, it might have been done in one day.

Q. Were any attempts made to reconnoitre the bridge after the arrival of General Whitelocke at the Miserare?

A. I cannot tell.

Q. Was your opinion asked, or did

you give any on the plan of attack on the town?

A. It was not, nor did I give any except as to the time of commencing it.

Q. Was the situation of the enemy and the main body of the army on the 4th of July, such as to render the attack on the town absolutely necessary the next day by a coup-de-main?

A. Not being consulted on the equipment of the army, I know not what the resources of the commander-in-chief were, but certainly if a movement had been made to the left, a communication might have been opened with the navy above the town.

Q. Was the enemy in such force without the town as to make it necessary to attack the place by a coup-de-main?

A. Not that I know of.

Q. Do you know whether the Commander-in-chief ever reconnoitred the town after his arrival at the Miserare previous to the attack?

A. I do not.

Q. Do you know any reason why the main body of the army should not have proceeded by the same rout on the 2d, which General Gower had taken, at least as far as the high road going to Buenos Ayres, which the Major General quitted to make for the Chico pass over the Chuelo?

A. The reason I heard assigned was, that the guide had undertaken to conduct the army by a shorter rout.

Q. Having said, that in your opinion General Gower's corps had nothing to apprehend from any attack of the enemy, on the march without the town of Buenos Ayres; do you believe that the Major-General, after crossing the Chuelo by the Chico Pass, would have found any difficulty in dislodging the enemy had they waited his approach, and would not the defeat of the enemy have opened a fair passage for the army?

A. I am not sufficiently acquainted with the face of the country between the Chico pass and the bridge, nor the extent of the suburbs of Buenos Ayres to answer precisely that question; but if the country had been open, and the Major-general could have advanced to the bridge, the main body might have passed, but there was a great risque of its bringing on a general action between the advance corps and the enemy.

Q. If by moving to the left a communication with the fleet could have been opened above the town, and consequently a supply of provisions could have been procured, would there in your opinion have been any necessity for attacking the town by a coup-de-main?

A. Certainly there could have been no immediate necessity, if a supply of stores and provisions could have been procured from the shipping.

Q. If General Whitelocke proceeded on the high road to the bridge, would he not have been enabled to support his advance corps in case General Gower had brought on a general action?

A. I am not sufficiently acquainted with the country to answer the question.

Captain Frazer sworn and examined.

Q. Had you the command of the artillery employed in the expedition against Buenos Ayres?

A. I had the honour to command the artillery upon that expedition.

Q. State the number and calibre of the ordnance embarked at Monte Video for the use of that expedition?

A. There were embarked for that service 28 pieces of ordnance, of which three were English iron twenty-four pounders; three medium brass twelve pounders; eight six pounders, five Spanish four pounders, two St. Helena three pounders, two Spanish brass twelve inch mortars, five five and a half inch English brass howitzers, making a total of 28 pieces of ordnance.

Q. What number of horses were embarked at Monte Video for the ordnance and stores including small arms and ammunition?

A. There were 170 horses and 36 mules.

Q. Was all or what proportion of the ordnance landed at the Ensinada?

A. Sixteen field pieces were landed at the Ensinada. It may be explanatory to state, that of the 28 pieces of ordnance which were embarked on the service at Monte Video for Buenos Ayres, eighteen field-pieces were intended to have been landed, as three brigades of artillery in the field, the remaining number having been intended as a reserve artillery.

From accidents in landing horses and other local obstacles, I judged it to be for the good of the service to direct that two five and half-inch howitzers together with the ammunition carriages for the same, should not be landed. There were also eight carriages for ammunition for field-pieces, and eight carriages for small arms; ammunition for the army also disembarked at the Ensinada. Two hundred rounds for each field-piece of ordnance was also embarked; 2,671,000 musket-ball cartridges, 20,000 carbine ball cartridges, the materials for making 400,000 musket-ball cartridges, 40,000 rounds of rifle-ball ammunition, exclusive of 350 rounds per man then in the possession of the 95th under the command of Major M'Cleod, and 900,000 musket-balls with the detachment at Colonia were also embarked.

Q. Have you accurate returns of the quantity landed?

A. On the 28th of June, specific returns were delivered to his excellency General Whitelocke, and to the Adjutant-general, of the quantity landed at the Ensinada.

Q. What proportion of the whole number of horses and mules embarked for the expedition at Monte Video were landed at the Ensinada?

A. From the circumstances of the debarkation, it is impossible for me to state particularly what the number of horses and mules landed were; I apprehend very little short of 200. It may be proper to state in further explanation, that such guns and carriages as are in the common routine of the service drawn by four horses, and that with men also on them, were intended to have been drawn by six horses without men on them; and this arrangement was made foreseeing the obstacles that might occur.

Q. State the obstacles which occurred as far as related to the march through the marsh towards the heights, of that part of the expedition of which you had the command?

A. The debarkation of the army and first pieces of artillery took place soon after day-break on the 28th of June, 1807. There were two three-pounders assisted by seamen, of whom 200 were furnished from the fleet for the general service of the artillery: 400 seamen had been expected, but by an arrangement with Admiral Murray the day or two previous to the debarkation, 200 only were furnished. These two field-pieces were carried through the swamp, and advanced to the heights over the swamp in the course of the 29th. Four six pounders, forming the remainder of the leading brigade of artillery, were carried over the swamp in the course of the following day: the remainder of the ten pieces were not carried through till the 30th. I had myself got across in the evening of the 29th of June. The two six-pounders with which I was, were assisted by nearly 300 of the 38th regiment, without whose exertions we should have been unable to get the field pieces through.

Q. Were any pieces of ordnance lost in the march?

A. Five Spanish four-pounders were by my order destroyed.

Q. State the reasons for your giving that order.

A. On reflecting, after having crossed the swamp on the 29th, which was a mile and three quarters in breadth, and so deep in many places that the men could with great difficulty stand, and in which the assistance of the horses was nearly useless, considering also that many horses were lost, and many men would have been lost in bringing them up; and further reflecting that it was essentially requisite that the men and horses who should get up should be unexhausted by fatigue, I judged it to be decidedly for the benefit of the service to sacrifice some of the least efficient pieces, and to apply their strength in men and horses to the remainder.

Q. Do you know whether the whole of the remainder crossed the swamp, or were any lost?

A. The whole of the remainder of the artillery was carried through the swamp, and no other artillery whatever was lost.

Q. You stated that some horses were lost in crossing the swamp. Can you tell the remainder that was left for the use of the ordnance?

A. I am not aware what number were lost, being always myself wit hthe first brigade.

Q. What officer of artillery accompanied the remainder of the ordnance through the swamp?

A. Captain Hawker, next senior to myself. His directions from me were most precise, admitting of no exercise of his own judgment.

Q. With what division of the army did you advance?

A. With the leading advance corps of the army.

Q. What proportion of artillery accompanied the advance corps?

A. On the 30th June, six field pieces, which had then been reinforced by an officer with fifty-five artillery men, and thirty additional horses. Of these six pieces, two, by order of his excellency General Whitelocke, remained on the 1st July with the main body.

Q. Was the number of horses sufficient to transport the six pieces of artillery and their carriages, or how were they conveyed?

A. There were such an extraordinary and unusual number, both in men and horses, with the attendant carriages and the carriages for the small arm ammunition as were sufficient, and more than sufficient to overcome every obstacle.

Q. Can you tell the whole number of horses so employed?

A. Upwards of one hundred horses.

Q. What number of carriages for small ammunition attended the six pounders, and what number of small arm ammunition?

A. There were three; two for musket ball cartridges, and one for the 95th regiment. There were about ten or eleven thousand rounds in each, and each of the two field pieces had its carriage for ammunition.

Q. Can you tell the number of carriages you left behind to accompany the remaining pieces of artillery when you marched from the heights of Barragon?

A. The total number of gun ammunition carriages landed were thirty-two; of these seven were destroyed, and twelve attached to the advance brigade.

Q. State the orders which you from time to time received for the regulation of your conduct, and for the distribution of your corps, from General Whitelocke, during the march from the Ensinada to Buenos Ayres, and to the close of the 4th July.

A. I saw his Excellency immediately after the debarkation at the Ensinada. His orders had been previously issued for the immediate advance of the two field pieces with the advance corps. I saw his Excellency after it was quite dark on the evening of the 28th, at the village of Barragon. I had a very earnest conversation with him about the artillery being carried through the swamp, and I assured him, that I would be responsible that on the following day the field pieces should get across the swamp, unless it was totally impracticable. I had no further conversation, nor did I see General Whitelocke again till it was nearly dark on the following evening, when I had crossed the swamp with the last of the six field pieces. General Whitelocke was at the first farm-house over the swamp. He ordered me to proceed to the advanced farm-house, probably a mile and a half on, and I there joined the troops at that time under the command of Lieutenant-colonel Mahon. On the following morning I saw General Whitelocke at the advanced farm-house, and he ordered me to move forward with the four field pieces to the further advance where the advance corps were; ordering further, that I should take for the protection of the artillery a company of the 95th. I advanced in obedience to this order, and halted that evening at the farm-house where the advance corps remained. Before the usual arrangement of the guns had been completed, it was evening. I saw General Whitelocke on the morning of the 1st July, and received his permission to accompany the advance corps under General Gower to the passage of the Chuelo. After the separation of the main body from the advance corps, I had no conversation, nor did I see General Whitelocke until the afternoon of the 3d, at the Coral de Miserare. I had at that time no precise orders from his Excellency; but I was ordered on the morning of the 4th to advance with two field pieces into the city of Buenos Ayres; to advance cautiously, and to feel my way, not advancing too far; and to bring word myself how affairs stood at the outposts. I had no other orders from General Whitelocke during the course of that day; all the arrangements that had taken place at the

outposts having been regularly reported by me to him in pursuance of orders.

Q. What were the arrangements made with regard to the artillery under your immediate command, previous to, and preparatory to, the attack of the 5th?

A. Those pieces of artillery which had been taken from the enemy on the 2d July, were early in the morning of the 3d so placed in position, as to command the open space in front of the Coral de Miserare, and commanding especially the roads leading from the fort and grand square of Buenos Ayres. With respect to the field pieces, sometimes two, and at other times four, at the outposts. There were further at the Coral a disposable force of sixty artillery men. In the general order for the attack, the particular number of field pieces, and the situation of each, was prescribed; and it became then my only duty to see that these orders were carried into execution.

Q. State the distribution of the field pieces on the morning of the 2d July, when the army took different routs.

A. Four field pieces were with the advance corps; two with the main body, as before stated; the remainder, as I have learned since, were with the rear division.

Q. Were any pontoons embarked with the army at Monte Video, and what number?

A. Six pontoons, with a complete establishment in every respect, were embarked by order of General Whitelocke. They were constructed and embarked under my superintendance, but previous to sailing were transported to the engineer's department.

Q. Do you know whether the pontoons were ever disembarked till the return of the army to Monte Video?

A. I saw one or two landed at the Ensinada, but they were again re-embarked.

Q. Do you know for what reason they were again re-embarked?

A. I presume that it was because from the local situation of the place they would not have been serviceable at the Ensinada.

Q. Do you mean to state that as a reason why they should not have accompanied the march of the army from the Ensinada to Buenos Ayres?

A. I mean to state, that it is my opinion, as a military officer, that locality prevented them being of service in that place. I thought so at the moment, and therefore presumed it.

Q. Was not the object of constructing pontoons, to assist the army in crossing rivers?

A. Certainly that was the chief object.

Q. Could they then have answered that object if they were not disembarked to accompany the army on its march?

A. Evidently they could not have answered that intention without being disembarked; but I had an idea that they would be disembarked at some other point where they would be of essential service. It may be explanatory to state here, that horses were not embarked for this specific service.

Q. Were the operations of the army in its movements considerably or necessarily delayed at any time by waiting the arrival of the artillery?

A. After the artillery got over the swamp, the leading brigade was so far from requiring any assistance from the army, that they were fully adequate to overcome any obstacles from their own resources: and it was also reported to me by Captain Hawker, who commanded the rear division, that that column was never impeded in its advance or march by the artillery; so far from it, that even the sick and wounded men were brought forward by him. I must further observe, that at the passage of the Chuelo there was some delay in transporting the guns and ammunition which was in some degree unavoidable. The two field pieces then followed the column, at the head of which, till that time, they had invariably been. The remaining two also followed the column under the protection of two companies of infantry, commanded by Lieutenant-colonel Darroch of the 36th. These two companies, with the two field pieces, from the darkness of the night, lost their way in the suburbs of Buenos Ayres, and were not afterwards with the advance corps.

Q. Was any, and what part of the artillery engaged with the enemy previous to its arrival at the Coral? and did any of the operations of the army previ-

ous to that period depend or turn on the support to be derived from the artillery?

A. The 1st July, a few shot were fired from one field piece at a body of regular horsemen near the village of Reduction; and on the 2d, some rounds were fired from three field pieces at an irregular body of horsemen in the plain near the Chuelo. From both the nature of the country and the enemy with whom we had to contend, the operations of the army from the Ensinada to the Coral would not in any way depend on the support to be derived from the artillery.

Cross-examined by Lieutenant-general Whitelocke.

Q. Was not every disposition shewn to assist in bringing forward the artillery which the situation would allow?

A. Every attention was shewn, and every assistance was given, in the most extended meaning of the word.

Q. Were the difficulties to be encountered in passing the swamp with artillery such as commonly occur, or of a particular and unusual description?

A. They were exceedingly unusual. It is hardly possible to conceive a swamp more difficult to overcome than this, with wheeled carriages.

Q. Had any intelligence we had received to your knowledge led us to suppose that we should have had such difficulties to encounter?

A. I certainly understood from General Beresford's dispatches, and from general information, that there was a swamp running parallel to the banks of the Plata, but had no idea of its being to the extent we afterwards found it. Very considerable preparations had been made by General Whitelocke's directions, to enable the artillery to cross this swamp, which preparations consisted of portable wooden bridges, which however were found of little utility.

Examined by the Court.

Q. You have stated that you were ordered to go into the town of Buenos Ayres on the 4th July with two pieces of cannon, and feel your way, and report in person the situation of affairs: was any force appointed to support you, or any post ordered for you to fall back on in case of a vigorous attack by the enemy?

A. I understood it generally that I should of course have been supported by the outposts as was usual. I was supported by the 95th. We did advance in the usual course in a slow cautious manner, feeling our way, and trying the strength of the enemy: there was no particular action; we had some scattered firing, and I individually returned and reported to General Whitelocke.

Q. What was the calibre of the Spanish guns taken by General Craufurd on the 2d July? and was there any, and what quantity of ammunition taken at the time?

A. The guns taken were one twelve pounder, two eight pounders, six four pounders, and one six and a half inch howitzer, two ammunition carriages for field pieces, and one ammunition carriage for small arms.

Q. Had you at any time any conversation with General Whitelocke on the subject of holding communication with the 2d in command, General Gower?

A. On the morning of the 1st of July I returned from the advance corps under Gen. Gower, to report myself to Gen. Whitelocke, from whom I had then been absent twenty-four hours. On reporting where I had been, General Whitelocke seemed not quite pleased that I had been so long absent from him. He also expressed himself displeased at Captain Squires of the engineers being so long absent. I observed to his Excellency that I had advanced with the guns at his express direction on the morning of the preceding day; that it was nearly dark when we arrived at the position we took up that night; but that had we been able to have found our way, we should have returned to his Excellency that evening. I added, that I should not again leave his person without his express permission. I understood that he was dissatisfied at my having been with General Gower. On the evening of the 4th July, General Whitelocke again expressed displeasure at my having been separated from him, and seeming to be too much attached to the person of General Gower; and added a strict in-

junction, that I should not leave his side during the following day. I felt it my duty to communicate to General Gower that I had received such an intimation from General Whitelocke.

Lieutenant-colonel Mahon sworn and examined.

Q. You commanded the 9th light dragoons on the expedition against Buenos Ayres?

A. At that time I was a Lieutenant-colonel on the staff, and commanded the 9th light dragoons at Monte Video.

Q. Do you remember a general order being issued for lessening the baggage of the army?

A. Yes.

Q. In consequence of that order was any, and what part, of the horse equipment belonging to your regiment made away with or otherwise disposed of?

A. At the time I was Lieutenant-colonel of brigade, and commanding officer of that regiment, an order was issued to that effect, and some of the equipments which were unfit for service were cast away: the precise quantity I cannot say, but I think there is a return with the regiment.

Q. On landing at the Ensinada, what part of the army had you under your command?

A. Four troops of the carbineers, the 9th light dragoons, and the 40th and 45th regiments, except their light companies.

Q. Did you command that brigade the whole of the march from the Ensinada to Buenos Ayres?

A. No.

Q. At what time was the alteration made in the brigade which you commanded?

A. Having passed the swamp on the 28th, and taken up the ground on which the light brigade had been stationed the night before, the head quarters of the Commander in Chief was on the left, with Sir Samuel Auchmuty's brigade. On the morning of the 29th, Sir Samuel Auchmuty's brigade moved on, and was accompanied by the Commander in Chief, who mentioned his intention of taking forward some troops of my brigade, and leaving me in the command of a few mounted and dismounted dragoons, and about four companies of the 40th, waiting for Major Campbell, who was in command of the rear guard for the protection of the guns and mortars.

Adjourned until to-morrow.

THIRTEENTH DAY.

FRIDAY, 12th FEBRUARY.

The Court being met pursuant to adjournment, Lieutenant-colonel Mahon was further examined.

Q. When you moved from the heights, what force had you under your command?

A. In addition to what I have mentioned, Major Campbell, with four companies of the 40th, and Captains Rowly and Johnson, with about 200 seamen, composed the whole, together with the artillery, four six-pounders, and two howitzers, under Captain Hawker.

Q. Was any alteration made in the force you commanded, from the time you left the heights, till your arrival at Reduction?

A. No.

Q. When did you reach Reduction?

A. On the evening of the 2d of July.

Q. In the interval between General Whitelocke's marching forward with the main body, and the time of arriving at Reduction, did you receive any orders, and what were they?

A. I received an order by an officer of the 17th dragoons, with a mounted party about a mile from, and previous to my arrival at Reduction, and this was the order,

Here the witness produced the order as follows:

2d July, quarter past 3 o'clock, P. M.

Notwithstanding the orders communicated to you, I am commanded by his excellency, General Whitelocke, to desire that you will remain at Reduction until further orders, and procure provisions from the fleet, and make as consi-

derable a store of bread and spirits as you can.

(Signed) HENRY TORRENS,
Military Secretary.

I received another order of a prior date at the same time, as follows:

Reduction, half past ten, A. M.
2d July.

General Whitelocke has just begun to move in a direction S. W. to cross the Chuelo, and you are to follow him to-morrow, and bring every thing from this place with you. Admiral Murray is to land three days bread and spirits for you here, from the brig Lucy.

Q. What was the name of the officer who brought this order?

A. I do not know: he had about twenty men with him.

Q. What were the next orders you received from General Whitelocke?

A. Next orders I received at twenty minutes past ten o'clock in the morning of the 5th, as follows:

Head quarters, 4th July, 8 o'clock, P.M.

I am directed by his excellency General Whitelocke, to request you will march with the detachment under your command, and take post at the bridge over the Chuelo, where you will wait for further orders.

(Signed) HENRY TORRENS.

This order was brought to me by two men, natives of the country.

Q. Did you at any time receive any order from General Whitelocke dated before the 5th July, beside those already mentioned?

A. None.

Q. Was the communication opened with the sea at Reduction, and supplies of provisions and stores procured from the shipping?

A. It was. I received a supply of provision, but did not receive a sufficient quantity to form a depôt. There was sufficient for the rations of the men under my command; there was not more than a day's consumption, owing to the badness of the weather, and the surf, which prevented sending more.

Q. Were there any other difficulties to prevent the landing of provisions at point Quilmes, and conveying them to Reduction, and making a depôt, except the badness of the weather?

A. There was a considerable swamp, which it must have been difficult to get provisions across; and I understood from Captain Cobb of the Nereid, that biscuits were not in any quantity.

Q. Do you mean to state that the swamp was so deep, as to prevent the transporting of more provisions across it, if the weather had not been so bad?

A. No, I do not: I was told that the conveyance of provisions was extremely easy.

Q. Under the inspection of what officer of the Commissariate was the provisions issued at point Quilmes and Reduction?

A. Of a young gentleman belonging to the Commissary, whose name I do not recollect.

Q. Did the troops under your command experience much fatigue and difficulty in the march from the heights of Reduction, or afterwards on the march from thence to Buenos Ayres?

A. Our marches were not very long, but tedious, in consequence of the artillery, the seamen who drew them, and the troops being exposed to the weather, which was extremely bad, and from which arose a great deal of inconvenience, but, generally speaking, we were healthy, but the frequent crossing of rivers with artillery added much to our difficulties and fatigue.

Q. You mean then to state that the artillery, exclusive of other difficulties, was a considerable obstruction to the rapidity of your march from Reduction?

A. Certainly.

Q. Were you obliged to halt often for the purpose of allowing the artillery to come up?

A. Frequently.

Q. Did you halt in consequence of your own judgment, or in consequence of applications from the officers of artillery?

A. In consequence of my own judgment, seeing the necessity of bringing over the artillery with us.

State the effective strength of the force under your command at tion, including those you found

The dismounted, and a few mount- h the 17th light dragoons, making er about 500 men. The 40th re- t, except the light company, about ien; one troop of the 9th light ons, about 70 dismounted; a de- ent of the 45th, under Major , about 100; one company of th, about 70 strong; a detachment 88th, about 100; the artillery Captains Hawker and Dixon, 50 men; four pieces of artillery inders, and two howitzers; with 200 seamen under Captains Rowly hnson, of the royal navy.

What force of mounted cavalry panied your march from the ?

Originally about thirty, under the and of Captain Bacon, but they shed daily, by transferring horses Commissariate.

To what use did the Commissa- ppropriate them?

I do not know. They were taken e Commissariate, to carry pack- s: they did not march with our n.

Where did they march? in front ?

In front of my column: I suppose the Commander-in-chief. Some ed with our column in the rear.

Then how many marched before ft the heights?

About eighteen. I believe we l at Reduction with eighteen ed. I marched from thence with

When did the reinforcement of mounted cavalry reach you?

At Reduction. They made in the about thirty-eight.

Can you tell why any mounted y were left in the rear of the army?

I conceive for the purpose of be- looking out, and particularly use- getting cattle and provision.

Were any lasso-men with your n?

No, not any.

Can you tell what provisions were ed for your division by the ca-

A. I cannot tell the exact amount: we got large quantities of cattle and sheep during our stay at Reduction?

Q. During your halt at Reduction, which appears to have lasted from the evening of the 2d to the morning of the 5th, was there any reconnoitring across the bridge over the Chuelo, by your order, at any time?

A. On the morning of the 4th July, I ordered the Assistant Quarter-master-general, and Captain Hawker of the artillery, taking with them twenty dragoons and a company of the 36th, to reconnoitre towards the bridge and the adjacent country, and to get intelligence of the army, without risking any engagement with the enemy they might meet. They did not approach the bridge, being too distant, and returned about one o'clock, without being able to open a communication, or to gain any information relative to the bridge, or the passage of the river.

Q. Have you any reason to believe that you could not have marched with your division of the army to the Miserare, on the 3d or 4th, if you had received orders to do so?

A. From experience since, I think I could, but at that time I did not believe it practicable.

Q. What reason had you then to think it was not practicable?

A. By a note I received about half past ten o'clock, it was reported that the bridge was broken down or destroyed.

Q. Supposing the bridge to have remained, were there any other impediments in your way, to have prevented your marching from Reduction to the Miserare in one day, if you had received orders so to do?

A. I think there was no obstacle, except the delay occasioned by the artillery.

Q. How many miles from Reduction to the bridge, and from that to the Miserare?

A. About seven to the bridge—from thence to the Miserare about six.

Q. What was the nature of the road from Reduction to the bridge, and from thence to the Miserare?

A. Between Reduction and the bridge there were several swamps and rivulets, extremely heavy for the artillery; and a

great part of the road from the bridge to the Miserare was also very heavy.

Q. Supposing the object had been to give assistance to the troops at Buenos Ayres, how many hours would it take to accomplish a forced march from Reduction to Buenos Ayres, without the artillery?

A. I think we could have accomplished it in four hours.

Q. With the same object in view, in your experience and knowledge of the country, and the exertions of the seamen and artillery men, how long do you think it would have taken for the whole, or greater part of the artillery, to arrive from Reduction by a forced march?

A. I do not think we could have done it in less than twelve hours. When we did march, every possible exertion was made by the seamen and artillery, in bringing on the guns.

Q. State the hours that your detachment marched each day from the heights to Reduction, and the hour at which it arrived each night, with the distance of each day's march?

A. We marched from the heights about six in the morning; we halted at twelve o'clock for two hours to refresh. We arrived at about half past three on the heights, where we took up our ground, making eight miles the extent of the day's march. On the 2d we marched so as to calculate that we should come to a river, about three miles off, which we must pass, and we did not arrive at Reduction till five in the evening. We halted on the 3d and 4th at Reduction, and on the 5th we marched from nine to eleven miles.

Q. Are you of opinion, from what you saw of the country between Barragon and the Chuelo, that provisions might have been obtained, if the usual means of patroles of light troops, sent into the country, had been adopted?

A. I think we should have found cattle in sufficient quantities, but I do not conceive the country afforded any other species of provision.

Q. Was there no corn to be procured?

A. I think not. It is cultivated in small quantities.

Q. On what sort of corn did the inhabitants feed?

A. Chiefly wheat: a good deal of Indiancorn was used by the lower orders.

Q. Do you mean to state that all the corn had been removed?

A. There did not appear any proportion of the country cultivated with corn. It was mostly grass land we passed over.

Cross-examined by General Whitelocke.

Q. Were the difficulties arising from the swamps on the march, such as were usual, or did they not exceed any account we had of them?

A. I think the difficulties were very unusual, and far greater than we had any description of.

Q. Was not the ground on each bank of the river swampy and difficult to cross with artillery, and were not the men obliged to wade through water on each day's march?

A. Yes, to both parts of the question.

Q. How deep were these rivulets?

A. There were some very deep: I have seen them above the mens waists.

Q. Did the length of time on the first and second, arise from difficulties opposed by the nature of the cavalry, and could you not have marched in any other country with your division in less time, and with less fatigue to the troops?

A. The difficulties did arise from the country being so swampy, and the difficulty of bringing the artillery through. I conceive very few countries could have presented so many obstacles.

Q. As the difficulty of establishing a body of cavalry has much of locality attached to it, state as nearly as you can the number of horses delivered to the 9th dragoons, how long fit for service and the casualties.

A. The mounted only consisted of one squadron. Some horses were transferred to the 17th light dragoons to act as mounted.

Q. Had you no opportunity as an officer of cavalry, of knowing that the casualties in the cavalry were extraordinary, and consequently diminished the force of mounted dragoons, in an excessive degree? And did I not at Monte Video, by every means in my power facilitate mounting the cavalry?

A. Certainly, I consider it so.

Examined by the Court.

Q. Did the countrymen who brought you the order on the morning of the 5th inform you by what rout they came?

A. They informed me that they had found very great difficulty in avoiding the Spanish troops, and were frequently obliged to swim the rivers with their horses. They did not point out the rout by which they came.

Q. Were the guns of your division drawn by horses from the time of your leaving the heights above Barragon on your march to Reduction?

A. They were drawn by horses and mules, which were certainly unable of themselves to bring them through the swamps.

Q. Do you know what sort of place your stores were kept in at Monte Video?

A. It was a room on the beach near the sea, then occupied by our quarter-master. It was a very large one.

Lieutenant-colonel Henry Torrens sworn and examined.

Q. You were on Lieutenant-general Whitelocke's staff on the expedition against Buenos Ayres?

A. I was.

Q. What situation had you on that staff?

A. Military secretary.

Q. State the substance of the information received by General Whitelocke previous to his leaving Monte Video, of the means and disposition of the enemy to resist, and the plans of the Spanish commander.

A. The information which General Whitelocke received was very defective, as we never had any direct communication with Buenos Ayres. We heard, generally, that the military and the inhabitants of Buenos Ayres had determined to defend it to the last, that they had erected batteries in the principal streets, and that the ordnance mounted on them might be about 40 or 50 heavy cannon: every person from whom information could be obtained was examined as to the best situation for landing the army on the south side of the river. The Quarter-master-general and Captain Thompson of the navy, were sent to reconnoitre, and on their return the Ensinada was fixed upon as the most practicable part for disembarkation.

Q. Was any information obtained of the effective force of the army under the Spanish General?

A. We heard, generally, that their army consisted of eight thousand men; but this information was vague, as some said eight, others ten, and others twelve thousand men.

Q. Were you constantly with General Whitelocke, from his landing at the Ensinada to the evacuation of Buenos Ayres?

A. Generally in attendance on him, but not constantly, sometimes with the advance-guard.

Q. During your march from Ensinada till your arrival before the town on the third, were you intrusted with the writing or delivery of any orders?

A. Frequently.

Q. Will you state, as far as your memory will admit, the orders you received?

A. On the evening of the 29th June, in reply to a report from General Gower, that he had reached the heights of Ensinada Vale, I was directed to write to him, to desire he would be prepared to advance, on the Commander in Chief joining him the next day with the main column of the army. On the evening of the 30th June, in reply to a dispatch from General Gower, I was directed to desire that he would halt on the ground where he reported himself, until the commander of the forces joined him the next day.

Q. Have you a copy of this letter?

A. All these orders were written on my knee in the field, and of course I had not the means of taking copies. I was directed about two o'clock on the morning of the 2d July, to desire that Major-general Gower should advance that morning with the column under his command, to feel his way over the Chuelo at any place he might find it practicable above the bridge, to take a position on the western suburbs of Buenos Ayres, and communicate with the shipping, and to avail himself of any favourable opportunity of sending a summons to the Spanish General, referring to some pre-

vious conversation or communication which he had had on the subject of the terms to be granted, and stating generally, that it was his, (the General's) intentions to support him.

Q. Do you recollect whether there was any expression in the letter relating to General Gower advancing into the town?

A. To the best of my recollection there was no such expression in the letter.

Q. Does your memory enable you to state whether any such expressions were in the letter.

A. I can positively state there were no such expressions in it; the order was, to take a position on the western suburbs, and no further.

Q. Can you say what the expressions were which communicated the intention of supporting him?

A. To the best of my recollection they were, that " I mean to support you with the column under my immediate command,"

Q. Did the letter purport that General Gower was to march that day, or were there any expressions in the letter which left the operations of the advance corps to the judgment or discretion of the Major-general, or was the order a peremptory one, like those issued by a Commander in Chief to the officers under his command?

A. The order was a peremptory one.

Q. Had any information been received of the strength and position of the enemy any time subsequent to the landing at the Ensinada, and previous to the time you were speaking of, the night of the first.

A. None whatever.

Q. Was it known at that time how many passes there were over the Chuelo besides the bridge?

A. It was not exactly known. The Passo Chico, from every information we had received, was supposed to be impracticable, at least there was a very great doubt as to its practicability. The guide told us, that by going up higher we should find the source of the river; the passo de Zamora was never mentioned till we arrived at Reduction, and he seemed to have only a faint idea of it.

Q. Had the guides attached to the different divisions of the army been ever confronted, or the accounts they gave of the country, compared with each other by General Whitelocke or by his order?

A. Before we left Monte Video none were confronted, because one of the guides did not like to appear to take an active part in the cause, least it should create a jealousy on the part of the Spaniards and Indians; therefore every communication we had with him was private, and he was never present when the other two, who were Americans, were examined; but I know these two were together, for they went up the river with the quarter-master-general.

Q. To which division of the army were the two Americans attached?

A. One with General Gower, and the other with Lieutenant-colonel Mahon.

Q. Do you know whether the guides who were attached to the main body, under General Whitelocke's immediate command, and those guides who were attached to General Gower, were ever confronted, or their accounts compared, so as to ascertain whether the two divisions of the army marched in the same track?

A. Never to my knowledge.

Q. The Lieutenant-general being, as you have stated, without information of the strength or position of the enemy without the town, were any, and what, attempts made, by reconnoitering, or otherwise, to ascertain it previous to the letter you have just now described?

A. I do not recollect that any steps were taken to reconnoitre, except on the evening of the first, horses were ordered for that purpose the next morning, but the reconnoissance did not take place.

Q. Do you know what information the Lieutenant-general received on the 1st respecting the appearance of the sky, or of bad weather, from the inhabitants of the country?

A. I understood that such of the natives as were attached to the Commissary-general's department, expressed apprehensions as to a change of weather, but I never was present at this examination.

Q. What were the last orders, on the evening of the 1st July, respecting the operations of the army on the succeeding day?

A. No orders whatever were issued that night as to the next day's operations.

Q. Had you been told by General Whitelocke, on the first, whether he did or did not intend to halt the army on the second?

A. General Whitelocke never actually told me that such was his intention, but I considered it to be so.

Q. State your reasons for forming that opinion.

A. My reasons for forming that opinion were, that the Admiral had sent an officer from the fleet, to know if we wanted spirits or provisions, and the officer was directed to have a portion of each landed by ten o'clock the next morning, which, with the General's intention to reconnoitre, I thought would occupy the most part of that day, so as not to give us time for further operations.

Q. At what hour was the order for marching the next day given?

A. At nine, or half past nine o'clock; I cannot exactly say.

Q. Was that order the first notice you received of the General's intention to march that day?

A. It was the first intimation I received of his change of intention.

Q. Were there any expressions in the order you were directed to send to Major-general Gower, which ascertained whether it was the intention of General Whitelocke to march on the second?

A. There was nothing in that letter which led me to draw a conclusion as to the period of General Whitelocke's advance.

Q. Did any thing pass, in conversation with General Whitelocke, at that time, which allowed you to form any conclusion with respect to the Lieutenant-general's intention as to the operations of the army on the second?

A. Nothing dropped in conversation to enable me to draw any conclusion as to the Lieutenant-general's movements on that day.

Q. How soon after this conversation did you see the Lieutenant-general before the order to march was given?

A. I saw him immediately after, and before the order for the march was given, but I was not on the spot when it was given. I had gone to Sir Samuel Auchmuty, and when I returned the troops were getting under arms.

Q. We have been told by a former witness, that General Whitelocke proceeded on the morning before the order for march was given. At what hour in the morning did you meet General Whitelocke?

A. About half past seven or eight o'clock. I went a little in the front of the line and met Colonel Bourke, who was returning from General Gower, having delivered the letter I had written that morning.

Q. Were you told by General Whitelocke whether he intended to proceed to the advance corps, or to make the reconnoissance which had been decided on the preceding evening?

A. General Whitelocke did not intimate to me his intention. When I returned from seeking Sir Samuel Auchmuty I found that the column had been ordered to file on, but I was not acquainted with the precise direction it was to take until afterwards.

Q. Did you see Lieutenant-Colonel Bourke deliver General Gower's answer to General Whitelocke?

A. I believe he first delivered it to me, and I delivered it to the Lieutenant-general.

Q. What did General Whitelocke do after receiving that letter? Did he proceed or return, and what orders did he give?

A. He had spoken apart to Colonel Bourke, and I heard him say that he would send the 87th regiment to support General Gower. I did not hear him say further. I then went to desire that Sir Samuel Auchmuty would order that corps under arms, as it composed part of his brigade, and I was a few yards on my way when the General called me back to desire that Sir Samuel Auchmuty would get the whole brigade under arms. I could not find Sir Samuel Auchmuty, and on my return I found that the orders which have been already stated had been given out.

Q. What other orders were you directed to write or send to Colonel Mahon in the course of the second, third, and fourth, July?

A. On our leaving the ground from Reduction, there was an order to Colonel

Mahon, merely to desire that he would proceed, and make what haste he could with the artillery and stores, and I was directed to point out the direction which our column took to Major Gwyn, who was left to take care of the sick and fatigued. In this order to Colonel Mahon he was ordered to get refreshments from the navy, to follow the Lieutenant-general as soon as possible in a S. W. direction. On the halt of the column that day, Captain Whittingham came to me with a message from the General, to desire that I would write to Colonel Mahon, ordering him to halt till further orders. On the evening of the third I wrote to Colonel Mahon, to desire he would advance with his detachment the next morning towards the bridge over the Chuelo, and to take a position out of the range of the enemy's fire, to remain there till four o'clock in the evening, when, if no orders were communicated to him, he was to return again to Reduction.

Q. How were you desired to send that letter?

A. I got a man, a native, who undertook to deliver the letter, but it was never received by Colonel Mahon.

Q. Did you receive any directions from General Whitelocke as to the mode in which the letter you have just spoken of was to be conveyed to Colonel Mahon?

A. General Whitelocke directed me to find a person to convey the letter, and I employed an American who had some knowledge of the place and the inhabitants, who brought me a man who engaged to perform this service. On the evening of the 4th I wrote another order to Colonel Mahon, on the supposition that he had received the previous one, to desire that he would move towards the bridge early on the morning of the 5th, and remain out of gun-shot till orders were sent to him. This letter was written about five in the evening, but was detained until eight.

Q. What directions did you receive as to the conveyance of the order of the fourth?

A. I was ordered to find a man to take it. I got a man from the Commissary-general's department to carry it, on promising him a large reward.

Q. The order of the evening of the 3d never having been received, are you perfectly satisfied as to its contents?

A. Perfectly sure and satisfied.

Q. Was it known at any time, and how soon, after your arrival at the Miserare, that the enemy had abandoned his position at the bridge over the Chuelo?

A. There was nothing heard as to its evacuation during the day of the 4th.

Q. Were any, and what, means taken to obtain information on that subject by patroles, or in any other manner?

A. I do not know that any measures were taken to obtain that information.

Q. State the substance of the information received from prisoners, and in any other way, of the intention and means of the enemy to resist, subsequent to the arrival of the main body at Miserare?

A Two Spanish officers who were taken prisoners in the action of the 2d, stated that it was the intention of the enemy to receive us by moveable columns, in the event of the town being stormed, and not to occupy the houses. Captain Whittingham, who interpreted, and took a minute of their evidence, can give better information upon this subject than I can.

Adjourned until to-morrow.

FOURTEENTH DAY.

SATURDAY, FEBRUARY 13.

The Court being met, pursuant to adjournment, Lieutenant-colonel Torrens was again called and further examined.

Q. Do you know of any information received from Mr. White on the subject of the strength and intentions of the enemy to resist? and if you do, state what it was.

A. I do not recollect any particular information received from Mr. White, except that he did not conceive the force in Buenos Ayres to exceed six thousand men, and I believe he expressed his confident expectation that the enemy would surrender if we gained a position on each flank, that is, the Plaza del Toros and the Residencia.

Q. Did you hear from Mr. White, or from any other quarter, any information

of the intentions of the enemy to occupy the flat roofs of the houses?

A. I heard, generally, that the enemy intended to defend the town in that manner, and the first intimation I received to the contrary, was the examination of the two Spanish officers. I never heard Mr. White say any thing on the subject.

Q. Were you in attendance with General Whitelocke from the time of the junction at the Miserere to the close of the 4th July?

A. I was with him at the period of the junction, but from that time I did not see him till about 4 o'clock.

Q. Will you proceed to state the times during which you were in attendance on General Whitelocke, from that period to the close of the 4th of July, and how you were employed; relating to the Court what passed between General Whitelocke and yourself on the subject of the attack, and the occurrences relating to the attack on Buenos Ayres, and the operations of the army under his command.

This question was objected to by the Court.

Judge Advocate.—A paper has been put into my hand, by which it is objected asking the witness, generally, as to the conversations which passed between him and General Whitelocke. From the situation he held, some of these conversations may be, by no means, fit to be disclosed; some conversations might have occurred respecting the officers under General Whitelocke, which it would be neither necessary nor proper to state to the Court. Undoubtedly the question I meant to have put must have been misapprehended, as I meant only such conversations as related to the operations of the army. Those of a nature strictly confidential it was by no means my wish or intention to enquire into. Having premised this, Colonel Torrens will be so good as to answer the question without adverting to any thing of a strictly confidential nature.

Colonel Torrens.—I am greatly obliged to the Court for relieving me from a most unpleasant situation. There certainly are circumstances which occurred between General Whitelocke and myself of a strictly confidential nature, and, which I should have held sacred: with the interdiction the Court has permitted me, I trust I shall be able to draw the line.

The question was again repeated.

A. Shortly after my arrival at head quarters, Lieutenant-Colonel Bourke returned from having visited the out-posts on the evening of the 3d, and General Whitelocke then mentioned to us both, particularly addressing himself to Colonel Bourke, that he had in his hand a paper containing the plan of attack for the next day. He said, that it was suggested by General Gower, and expressed himself extremely averse to it, on the score of its inhumanity. He said, he would certainly erase the order for making no prisoners, and that, before the plan was carried into execution, he would again send a summons to General Liniers. Colonel Bourke said it was a very novel kind of attack, and also thought it would be attended with the sacrifice of a great many lives, but added, that, in his opinion, he thought it would succeed. I merely remarked, from the weather having set in to rain, it was necessary some prompt measure should be adopted. This was all that passed at that time. Shortly after General Craufurd came to head quarters, and the General addressed himself to him pretty much in the same terms he had to Colonel Bourke. General Craufurd and I looked over the plan of the town, and were applying the plan of attack to it, when he started a difficulty, from an idea that it was intended to penetrate down the centre, instead of making an impression on the flanks. He said he would go and talk to General Gower upon it. A few moments after General Craufurd's departure, I found, however, that he had made a mistake, and that there was no such intention in the plan. I do not recollect any further conversation at that time. I was busied in making copies of the plan of attack to deliver to the different columns, and it was understood it was to take place next day at half past twelve o'clock. General Gower engaged to bring the brigadiers to head quarters by eight o'clock, to receive their final instructions. Next morning General Whitelocke desired me to write a letter to General Liniers which letter, I believe, has appeared in

the public papers. General Whitelocke wrote the letter himself—I copied it. General Whitelocke also wrote a circular letter to the brigadiers, saying, that he was obliged to adopt this plan of attack, in consequence of the local inconveniencies under which the army laboured, or some words to that purpose, calling on them to make every exertion in their power, to prevent the effusion of blood which might be expected from it. Shortly after, General Gower and the brigadiers came to head-quarters, and I was sent out of the room with the rest of the staff. I understood when the conference broke up, that the attack was deferred until six o'clock the next morning. Shortly after, about ten o'clock, I accompanied General Whitelocke to view the position, and I believe he returned in the course of an hour, having gone to the centre, where he held some conversation with several of the officers: very likely General Craufurd was one, as he was posted there, but I am not clear upon that subject. Nothing particular occurred that day that I know of; every thing was arranged for the attack next morning, and the general officers of columns got their orders.

Q. From the time of General Whitelocke's arrival at the Miserere on the 3d, did he make any reconnoissance towards the town, previous to the close of the 4th of July?

A. Not that I know of.

Q. How near were your quarters to that of the Lieutenant-general?

A. I was quartered at the same place, in White's House.

Q. Then if he made any such reconnoissance, must not you have known of it?

A. From the situation I held, I must naturally have known of it.

Q. How soon after his arrival at the Miserere, were the head-quarters established at White's house?

A. Immediately after our junction with General Gower, I heard General Whitelocke ask him, which would be the best situation for head quarters, and General Gower pointed out White's house; but I do not know what time it was established, as I did not go there myself for an hour after.

Q. State for what length of time together and at what period, General Whitelocke was absent from head-quarters, from the time of establishing head-quarters at the Miserere to the close of the 4th of July?

A. I do not recollect that General Whitelocke was absent from head-quarters during that period, except for the hour I have already mentioned. I am not quite clear of its being an hour, it might have been more.

Q. What was the distance of White's house from the entrance of the town?

A. The suburbs are so extended, it is impossible for me to say what is the entrance of the town—perhaps 250 yards in the rear of General Craufurd's division, that was at the Coral de Miserere.

Q. Did General Whitelocke ever inform you, whether he had formed any other plan for the attack of the town besides that given in your evidence?

A. I never understood from General Whitelocke that he had formed any precise plan: he had an idea even before he left Monte Video, of proceeding to the north-west of Buenos Ayres, and throwing his left flank on the river for the purpose of communicating with the navy. It was always his intention, however, to be guided by local circumstances.

Q. I merely meant to know, had you any knowledge of any plan of attack subsequent to his arrival at the Coral, or a plan of attack at any time?

A. None whatever subsequent to his arrival.

Q. Having stated that you accompanied General Whitelocke the only time that he left head-quarters after his arrival at the Miserere, did he then visit the advance post of the army, or how far did he proceed in that direction?

A. General Whitelocke did not go further than the left of the Coral, where the centre brigade was then parading.

Q. Was the station of the Commander of the forces where he was to be found on the day of attack, ever notified to the other officers of the army to your knowledge?

A. It was not notified to my knowledge, and I never heard it mentioned that day.

Q. Was the place of retreat, if retreat became necessary, ever notified to the officers of the army?

A. No provision was made for retreat; I believe the general idea was, that our operations would be crowned with complete success.

Q. Have you any other information to give the Court on the subject of the charges you have heard read?

A. The question puts me in an awkward predicament, for it is difficult for me to know what may attach to the General's conduct in any way, but I believe I have given every information to the Court that my recollection at present permits me.

Judge Advocate.—It is with the general view to obtain all the information we can from the witness that that question is put. When he says that he has stated all he knows, it is enough; but if he wishes to amend or add afterwards, he may do so.

A. Generally speaking, I think I have stated all that I know, but I should not like to take upon myself the responsibility of saying, that there were no other circumstances; but I do not recollect any other at this moment.

Cross-examined by General Whitelocke.

Q. Did I avail myself of every means and opportunity to provide guides and information, and was not the disposition of the country so hostile to us as to make it very difficult to procure any satisfactory intelligence?

A. The disposition of the country was so hostile that it was almost impossible to procure any intelligence that was satisfactory. General Whitelocke certainly did avail himself of the assistance of such people as were willing to afford information.

Q. Was not the disembarkation much retarded by our being obliged to go to a small creek, instead of landing on the beach as we were led by our guides to suppose we might?

A. Certainly, if the water had been of sufficient draught to enable the army to land with an extended front, the debarkation would have been much more expeditious.

Q. Were we not led to suppose by the guides that the men would land on the Ensinada from the beach, and was it not attempted?

A. They were led to suppose so, and it was attempted.

Q. Had the description of the road from the Ensinada to Buenos Ayres, particularly across the swamp given us by the guides, led us to have a just conception of the difficulties which we afterwards experienced?

A. I always understood from the guides, that the swamp ran parallel to the banks of the Plata, but their description never gave an adequate idea of the difficulties we encountered.

Q. In the course of your former services in the East and West Indies, on the continent of Europe and elsewhere, did you ever witness the march of an army through a swamp like that between the Ensinada and the heights of Barragon?

A. I never recollect in any of these countries to have marched through a marsh such as that from the bay to the heights of Barragon.

Judge Advocate.—You stated in your answer to the first question put by General Whitelocke, that the disposition of the inhabitants was so hostile as to make it impossible to procure intelligence. If it was impossible to procure intelligence by fair means, why were not the usual means resorted to after the landing at the Ensinada, by forcing persons capable of giving information, by making strong and extensive patroles of light troops, or was the necessity of that obviated by strong and extensive reconnoitring parties?

A. It was impossible to see any of the peasantry as they evacuated the country on the march of the army. The only two men that remained were seized, and no such patroles or reconnoitring parties were ever formed.

Examined by the Court.

Q. Do you know how far the Passo de Zamora, where the main body of the army crossed the Chuelo, is below the source of that river?

A. I do not.

Q. In the course of your examination you have said, that on the 3d you had a conversation with General Whitelocke and Colonel Bourke. Do you know whether General Whitelocke and Co-

lonel Bourke had held any conversation on the plan, on the 3d, previous to that which you have stated?

A. Not that I am acquainted with: and I am inclined to think that was the first conversation on the subject, but I cannot speak with certainty on that point.

Q. In that conversation are you sure, or do you know, who first stated or proposed to erase, that particular part of the plan relating to making no prisoners?

A. To the best of my recollection it was General Whitelocke, but I am not clear upon that point.

Q. Do you know the distance from the bridge where Colonel Mahon was ordered to halt to the nearest part of the town?

A. To the nearest part of the town it may be three miles or three and a half; I cannot speak with precision—the Spaniards call the bridge four miles from the centre of the town.

Q. Do you know how far it is from the bridge to the Residencia?

A. I cannot speak with certainty, but should suppose about three and a half miles.

Q. Having stated that no patroles were sent out, how was it ascertained that the *constantias* in a western or any other direction were deserted?

A. They were always found to be evacuated on the arrival of the advance guard of the advance column.

Q. Do you know what were the inconveniencies alluded to in the letters from General Whitelocke to the Brigadiers which induced General Whitelocke to adopt the plan of attack?

A. These inconveniencies arose from the heavy rains then falling, and the probable want of provisions: a want experienced at the moment, for the men had been without spirits for several days.

Q. Might not a communication have been established with the shipping at that time?

A. If we had taken an extended circuit to the left, we might perhaps have communicated with the shipping, but certainly not without an action. We must have moved our position in order to communicate with the navy; a movement of considerable force, to have established such communication; but if it was meant to go to the Plaza del Toros we could not. There might have been a communication from the Recolita with the river from the left of the army.

Captain Maxwell sworn and examined.

Q. Were you aide-de-camp to Major-general Gower upon the expedition against Buenos Ayres?

A. I was.

Q. Did you at any time, and when, receive a letter from General Gower, purporting to come from General Whitelocke on the 2d of July?

A. I did receive many letters. I do remember one on the 2d of July.

Q. Did you see the contents of that letter?

A. I did not.

Q. Was the letter of which you now speak and which you destroyed on the 4th, that which you destroyed to prevent its falling into the hands of the enemy?

A. I did not see the contents of the letter, therefore cannot speak positively.

Capt. Whittingham sworn and examined.

Q. You were on General Whitelocke's staff on the expedition against Buenos Ayres?

A. I was an extra aide-de-camp to General Whitelocke.

Q. Did you, by General Whitelocke's direction, convey any letter written by his orders to Colonel Mahon on the 2d of July?

A. No, I did not.

Q. You were not then sent at any time on the march from the Ensinada to Buenos Ayres, to convey any orders to Lieutenant-colonel Mahon?

A. No, I was not.

Q. After the arrival of the main body of the army at the Miserere, did you at any time, and when proceed into the town of Buenos Ayres with a flag o truce, and for what purpose?

A. On the morning of the 4th, I was sent into the town of Buenos Ayres with a flag of truce, and a letter to General Liniers.

Q. Did you see the contents of that letter?

A. No, I did not.

Judge Advocate.—I now put a copy of the letter alluded to into the witness's hands, which has been admitted by General Whitelocke.

The letter was addressed from Lieutenant-general Whitelocke to General Liniers. See Appendix

Q. Did you bring back an answer?

A. I waited for half an hour according to my orders. The answer was not brought, and I returned.

Q. How far did you proceed into the town on that occasion?

A. Little more than a mile from headquarters.

Q. Did you communicate to General Whitelocke the observations you had made on the strength and position of the enemy?

A. I saw nothing but their outposts. At the time I was there all hostilities were suspended.

Q. Did you examine the persons who were taken on the 2d?

A. I examined two of them.

Q. State the account they gave you of the frontier and disposition to resist, and strength of the enemy.

A. They said, that previous to their leaving the town the principal defence had been prepared on the side next the river, and that they had heard it reported that General Liniers meant to occupy the streets of Buenos Ayres with columns of troops. That was all the information I could learn from them.

Q. Did you learn when they left the town?

A. As well as I recollect they left the town on the 1st.

Q. Did you learn from them, or from any other information, whether the army had evacuated the position they had at the bridge?

A. I did not.

Q. Had you, from your knowledge of the Spanish language, the means of obtaining information from any of the natives on the subject to which I have already referred, between the period of your arrival at the Miserere and the close of the 4th of July; and if you had, state the circumstances?

A. The two officers examined appeared to me to be amongst the most intelligent; I received no information whatever except from these two officers.

Q. Do you know what information was received from Mr. White?

A. I do not.

Q. Was the station in which the Commander in Chief was to be found on the day of attack, notified to your knowledge, in orders or otherwise to the General or other officers of the army?

A. I do not know that it was.

Q. Were the points of retreat, if retreat became necessary, notified in orders or otherwise to the General and other officers of the army.

A. Not that I know of.

Q. Were you quartered at White's house, or where?

A. I was quartered at White's house with General Whitelocke.

Q. Did the Lieutenant-general make any reconnoissance towards the town?

A. I was not present at any.

Q. Do you know of any having been made?

A. I do not.

Q. If any had been made, must you have known of it?

A. I think I should.

General Whitelocke.—I have many questions to ask Captain Whittingham, but I will reserve them for my defence.

Examined by the Court.

Q. Did you see General Liniers or any of the principal officers, when you went into the town with a flag of truce? or had you any conversation with any of those you saw there?

A. I did not see General Liniers; I delivered the letter to an officer of artillery, who commanded that part of the outposts: I had no particular conversation with him.

Q. Did you examine the guides at the Ensinada? and were those at General Whitelocke's and General Gower's columns ever confronted?

A. There was no particular examination of the guides till we came to Reduction. I do not know that they were ever confronted.

The Judge Advocate then read General Liniers' answer to General Whitelocke's letter of the 4th (for which see Appendix, No. IX.)

Rear-admiral Murray sworn and examined.

Q. Will you state whether any, and what means were taken to ascertain the propriety of landing at the Ensinada, in preference to any other place?

A. On my arrival at Monte Video, I found Admiral Stirling had sent Captain Thompson up the river in the Fly sloop, for the purpose of ascertaining the best place for landing troops, and Admiral Stirling informed me, that the Ensinada was thought to be the best place: but the Quarter-master-general, Lieutenant-colonel Bourke, and Capt. Thompson, of the Fly, had been sent up the river by General Whitelocke, as he was particularly anxious to put his orders in force; that this plan was thought the best adapted for the purpose of landing, and was at that time fixed upon.

Q. What means were taken, and with what success, for provisioning the army on its landing, and its subsequent operations?

A. The transports which came from the Cape with me had nearly three months provisions for five thousand men. The greater part of these transports went up the river with the troops, besides which there were, I think, two victuallers, with a quantity of provisions also for the army.

Q. What means were taken, with a view to the co-operation of the sea and land forces, more particularly when the latter obtained a position to the west of the town; and what was the cause why such measures were not carried into effect?

A. I informed the General on leaving Barragon, that whenever he came to the water-side, I should communicate with him of course. On the day after leaving Barragon, the transports were sent up the river by my direction, to anchor as near Buenos Ayres as the shallowness of the river would permit. The other transports and a victualler I kept in shore as near as I could go between Barragon and Buenos Ayres, for the purpose of landing provisions for the army, in case the General should have occasion for them. On the 1st of July, perceiving the army on their march to the village Reduction, I sent an officer on shore to communicate with the General, and to ask if he was in want of any thing the squadron could supply. This officer returned on board the Nereid the next morning, and informed me that the General very much wished I would land bread and spirits for the army: the quantity of which required would be directed by the officer commanding the division that was near the shore. A quantity was immediately landed, and the officer at that time observed that a depôt of provisions would be very necessary to be formed at Reduction. A quantity was accordingly ordered to be landed, part of which was on the beach, when the officer was informed that that division was to march on; of course there was no person to take the charge. Provisions were likewise ready to be landed if required, after the troops took possession of the Plaza del Toros. Three days provisions were ordered to be dressed for the troops when they disembarked at Barragon, and three days bread and spirits were reported to me to have been landed, I think on the 2d of July, for the division commanded by Colonel Mahon. More could have been landed if Colonel Mahon had wished for it. The transports having the heavy cannon were ordered to the westward of the town on the 3d of July, by the particular request of General Whitelocke. Having received a letter from Col. Bourke, the Quarter-master gen., I think on the 2d of July, stating that it was the general's direction that he should inform me of his intention of marching to the westward of the town, and resquesting I would order the vessels with the heavy artillery to that place. I likewise ordered the four gun-boats and such armed vessels as drew but little water, under the command of Capt. Thompson of the Fly, to the westward of the town, on the 4th of July, with the vessels having the heavy artillery on board; the gun-boats being ready to co-operate with the army whenever it should be thought necessary; understanding by the letter from Colonel Bourke, as well as from a conversation that had passed between the General and myself, that it was his intention to proceed to the westward of the town.

Q. How near could the transports approach the shore at point Quilmes?

A. I think they might approach within near a mile, or thereabouts, as there is a channel within side the banks, but the depth of water is very uncertain, as it is governed so much by the wind, and falls suddenly with a N.N.E. and west wind, seven or eight feet.

Q. How soon was it practicable to bring vessels to the westward of the town, with a view to land artillery and stores, and what facility did the mouth of the Chuelo afford for that purpose? and state the cause why no attempt of that nature was made there or at any other point.

A. To the westward of Buenos Ayres, and at Buenos Ayres, the water is so shallow that vessels could not with safety be allowed to remain within five or six miles of the landing-place; for even the gun-brigs, which drew very little water, were frequently aground within two or three miles of the shore. The Chuelo at low water I understand to be nearly dry on the bar. I do not mean to state that there was any difficulty to land the cannon, as the boats which might have landed them were ready with the cannon in them when the truce was made; of course, while the truce was pending, all operations of that kind were suspended.

Q. Do you mean to say that the circumstances stated in the answer to the last question presented insuperable obstacles to an attack on the east side of the town, by a portion of the troops conjointly with the navy, at the time the town was attacked on the west by the army?

A. I have no doubt that the gun-boats could have assisted in an attack on the east part of the town, but not so effectually as on the west; and as I conceived that it was General Whitelocke's intention to attack the town from the west, the gun-boats were all there for that purpose.

Q. What was the number of small craft, and other armed vessels drawing little water, employed in the expedition against Buenos Ayres?

A. I don't think there were more than five or six vessels that were of easy draught of water enough to assist in the attack on the town, for even one or two of the gun-boats which drew but little water were at times aground during the attack.

Q. What number of seamen were landed with the army on the 28th and 29th?

A. About 220 with officers were landed to march with the army.

Q. Had you any communication with General Whitelocke on the subject of the number of seamen that could be spared by the fleet, to assist the operations of the army?

A. General Whitelocke requested that 440 seamen might be landed, which number were ordered and sent up the river for that purpose; but finding that the boats for landing the troops would require a greater number of men to man them, I informed the General that half the number would land with the first division, and march under his direction: and that he should have the other half after the troops were landed if he found it necessary. I had left the ships at Monte Video very short of men, having landed, at General Whitelocke's request, the marines of the squadron at Monte Video. When the troops were landed at the Ensinada, Captain Frazer of the artillery informed me he had landed the horses, and he should have no occasion for more than 220 men first landed.

Q. Subsequent to the landing of the troops, was any application made to you by General Whitelocke for the remainder of the seamen?

A. No.

Q. Have you the letter from Colonel Bourke in your possession?

A. I thought I had it, but by some mistake I have left it among my papers at Portsmouth: but shall send for it if the Court think necessary.

Qr Have you any thing further to state, or any further information to give the Court upon the subject of the two first charges, to the close of the evening of the 4th of July?

A. All I can say is, that General Whitelocke seemed very anxious to put the orders he had received in force, for which purpose every exertion was made, as far as I know. What occurred on shore I cannot speak to, as I did not see General Whitelocke again until the 7th of July.

Questioned by General Whitelocke.

Q. Do you remember the circumstances of our landing, and looking out a proper place for that purpose? and were not the men obliged to wade through the water, and was there not a considerable delay in being obliged to land at the creek?

A. The landing at first was certainly attended with the soldiers being wet in getting out of the boats, but there were not any great number in this predicament. I believe about four or five boats at most. In about an hour, however, a proper place was found for landing the troops, which was perfectly convenient, and during the latter part of the day, not only the troops, but the artillery, landed without any difficulty.

Adjourned until to-morrow.

FIFTEENTH DAY.

MONDAY, 15th FEBRUARY.

The Court being met pursuant to adjournment, the Judge Advocate intimated to the Court, that Lieutenant-colonel Torrens was in waiting, and wished to explain and correct some parts of his previous evidence.

Colonel Torrens being admitted, proceeded to explain that part of his evidence which related to the orders issued by General Whitelocke on the 3d of July.

Colonel Torrens.—About quarter of an hour after General Whitelocke's return from the Coral the first time, I was riding in the centre with General Gower. The pickets were engaged, and in consequence of a report from an officer relative to some movements of the enemy, General Gower ordered the centre brigade to get under arms, and I hastily proceeded to head quarters, to report the circumstances to the General, and to propose withdrawing the pickets, as an inducement to the enemy to leave their fortresses in the town. General Whitelocke consented to this proposition, and immediately mounted his horse and proceeded to the centre. In the course of a quarter of an hour, or twenty minutes, it was found that the movement was not attended with the desired success: General Whitelocke therefore ordered the posts to be resumed, and I returned to head quarters. It was subsequent to his return that the examination of the Spanish officer took place, as I have already related to the Court. I do not recollect any thing further on that day. One part of my evidence I wish very much to explain: the letter that was written to General Gower on the 2d of July was signed by me, although dictated by the General: therefore, the citation which I gave from it, with regard to the General's intention of supporting the advance column, was incorrect, inasmuch as it was expressed in the General's person. I should have stated, "it is the intention of the Commander-in-chief to support you with the corps under his command."

Q. How long was the General absent from head-quarters at the time you have been speaking of, and did he then make any reconnoissance of the town?

A. He was about twenty minutes absent, and did not make any reconnoissance of the town to my knowledge.

Captain John Squires sworn and examined.

Q. Were you the commanding officer of engineers, on the expedition against Buenos Ayres?

A. I was.

Q. Had you any pontoons under your command, for the use of the army?

A. There were six pontoons, with their carriages complete, embarked at Monte Video. I understood they were in preparation for the passage of the Chuelo. Part of them were landed on the 28th of June, and afterwards re-embarked by the Quarter-master-general.

Q. Were they ever made use of during the expedition for any purpose? and if they were not, what was the reason?

A. That belongs to the Quarter-master-general's department; he told me there would not be any occasion to disembark any thing but a few entrenching tools. Point Quilmes was the only place they could afterwards be disembarked at; I do not know why they were not disembarked there.

Q. Might they not have been disembarked at point Quilmes if it had been thought advisable?

A. I cannot speak to my own knowledge.

Q. State the quantity of entrenching tools that accompanied the army when delivered out, and in what proportion?

A. Very few entrenching tools were disembarked, merely sufficient to fill a small hand-cart. After the action of the second we found two carts of the enemy with a few; these were all the troops had with them to the close of the 4th July.

Q. Were you possessed of any plan of the town of Buenos Ayres previous to the landing at the Ensinada? And previous to your leaving Monte Video had you any communication with General Whitelocke on the subject of the most eligible arrangement for establishing the troops in the vicinity of Buenos Ayres?

A. I obtained a plan of the town from Lieutenant-colonel Bourke on my arrival at Monte Video with General Craufurd. The Commander in Chief never did me the honour of consulting me; I never considered myself consulted previous to the attack, or relative to any of the operations of the army.

Q. From your local observations of the environs of the town, the position of the country, and the grounds in its vicinity, are you of opinion that it would have allowed batteries to be established against the place?

A. I do not think they could with convenience have been established on the side of the Coral de Miserere. The town could not be said to be commanded from that side; but I think the ground on the north side of the river would have been very favourable.

Q. What relation had the Recolita to the town; and if that ground had been occupied, what effect would it have had on the operations of the army in communicating with the shipping?

A. The Recolita was about one and a half or two miles from the suburbs of the town, and to the best of my judgment would have been an advantageous position to have occupied, because of the connection with the shipping.

Q. Did any thing ever pass between you and General Whitelocke on the subject of your holding communication with General Gower.

A. On the first of July, when the columns separated, with the consent of the Commander in Chief, I accompanied general Gower, and did not see General Whitelocke until the third, when he expressed himself dissatisfied with me and Captain Frazer, because he said we attached ourselves to General Gower. He then desired me to remain near his person till the day of the attack. There was a long conversation, in which the General expressed himself with warmth on the subject, and directed me not to hold so much communication in future with General Gower.

Q. Would the Recolita, if occupied, have been, in your judgment, a favourable point from whence to have carried on operations, and to have established batteries in advance against the town?

A. It would have been a favourable point to have occupied, with a view to the further operations of the army.

General Whitelocke declined, for the present, asking the witness any questions.

Examined by the Court.

Q. Can you state whether the conversation which passed between you and General Whitelocke, on the subject of your not holding communication with General Gower, passed before or after 10 o'clock on the 4th.

A. The circumstances I have just stated bring to my recollection, that the conversation took place about 2 o'clock on the 4th.

Q. Did you never offer your opinion to General Whitelocke on the best means of attacking the town, although he did not consult you on the subject? and if you did not, what were your reasons for not doing so?

A. I never did offer my opinion: I should not have thought myself justified in doing so. I should not have presumed to do so unless I had been consulted.

Captain Alexander Dixon, sworn and examined.

Q. Were you captain of artillery on the expedition against Buenos Ayres?

A. I was.

Q. Under whose command did you march to the heights, and how many pieces of artillery were with your division of the army?

A. Under Lieutenant-colonel Mahon. From the heights, above Barragon, only five pieces; we were not joined by any on the march from that to Reduction.

Q. Was the march of your division of the army delayed by the necessity of halting for the artillery to come up?

A. Certainly, in passing water-courses; but not in any considerable degree.

General Whitelocke declined cross-examining this witness for the present.

Examined by the Court.

Q. Was the artillery drawn by the usual number of horses?

A. By horses and seamen, with the assistance of artillery-men, and occasionally by detachments from the infantry.

Q. Was there an additional number of horses embarked for expediting the movements of the artillery?

A. There were six horses embarked for each gun, with its attendant carriage; these were two more than are used in England.

Q. Were all the horses landed at the Ensinada?

A. On landing the horses, through the awkwardness of the persons employed, upwards of 40 made their escape. They diminished daily, and to give an account of them is totally out of my power.

Brigade-major Roche sworn and examined.

Q. Were you in Brigadier-general Lumley's staff in the expedition against Buenos Ayres?

A. I was the General's brigade-major.

Q. Did you at any time on the third July go into the town of Buenos Ayres with a flag of truce? State on what occasion you went and what passed.

A. About midnight on the second I received a message from General Gower to come to his quarters. He told me that I was to go into the town of Buenos Ayres at day-light the next morning, with a flag of truce, to summon the town to surrender to the British government. He gave me written instructions to take with me, and I proceeded into the town, according to orders, with these instructions. In obedience to the General's orders I was on horseback at day-light, with a corporal of the 17th light dragoons, carrying a flag of truce, and a trumpeter. I asked the General's permission to take with me a Spanish officer, that no time might be lost in finding the shortest way into the town; but in passing the British out-posts, the field-officer commanding recommended that I should take a party of the rifle-corps with me, and I accordingly took one officer and twelve privates. We proceeded with some difficulty, but I penetrated a considerable way into the town before I was stopped. After some considerable delay, General Elio, the Spanish General, second in command, came to me; and on making known to him the order I had the honour to convey, he said I could not see General Liniers on any account; but that if I had any communication to make from the English General he would convey it to him. I told him I had the honour to carry proposals for the surrender of the town. He conversed in Spanish with a great deal of animation, and said that they possessed sufficient strength and spirit to defend the town; but as it appeared to me of great importance, if possible, to commence some negociation, I endeavoured to draw him into it; but the only thing he would consent to was, that I should return to my General, in order that he might make such communication as he thought proper in writing. Upon this I returned and acquainted General Gower; he immediately wrote a letter, which I carried back. General Elio would never let me enter into the particulars of my instructions, though I endeavoured to represent to him our force, &c.

Here the written instructions of Major Roche were read; (for which see Appendix, No. X.)

Q. State how far you advanced into the town when you went with General Gower's letter, and what passed.

A. I returned nearly to the same spot, and nothing particular occurred

between myself and the Spanish officer (who was a Frenchman in the Spanish service) to whom I delivered the letter. I understood General Liniers was not in Buenos Ayres at the time. I did not see General Elio, and the letter was delivered to an aide de camp. The town appeared to be in a state of great confusion, the whole an armed mob, and all drunk. I brought the answer to that letter, for which I waited near an hour and a half, during which time they paid very little respect to the flag of truce, and but for the rifle corps I am sure I could not have got back.

Q. How long were you when you went into the town the first time?

A. A full hour: the conversation I had with General Elio might have lasted about half an hour. I saw several officers with him, and endeavoured to impress upon his mind the effusion of blood that must follow further hostilities. The aide de camp seemed particularly desirous to learn what the Spanish loss was in the action of the night before, which I took care not to diminish; but I told him, with truth, that there were eleven guns taken, and that they had lost a considerable number of men in killed and wounded.

Q. You stated that General Liniers was not in the town: can you state who wrote the answer?

A. I cannot take upon me to say who wrote the answer.

Q. Can you state how far you did proceed into the town beyond the suburbs?

A. Within less than a quarter of a mile of the fort.

Q. What were the nature of the difficulties which you stated you met with in your advance?

A. Considerable firing, which never ceased: I was aware that the difficulty did exist, from having been sent into Monte Video in the same way.

Q. Did you see any and what preparations for the defence of the town?

Q. The houses were all barricaded and shut up, and the whole population armed. I saw no guns. All descriptions of people, men and boys, were armed. I delivered the answer, and communicated every thing I had observed.

Cross-examined by General Whitelocke.

Q. You have said that General Elio expressed himself with considerable animation: can you recollect his expressions, and how they particularly applied?

A. The literal translation of the words were, "we possess sufficient strength and courage to defend the town." He put his hand upon his breast and said, with great energy, "we possess spirit and strength."

Q. From your intercourse with the inhabitants, and in consequence of your knowledge of the Spanish language, can you state who were the instigators and principal actors in the breach of the treaty entered into with General Beresford?

A. I had heard many names mentioned. The people in power were said to be the instigators of it. Being employed in that service by Sir Samuel Auchmuty, I had an opportunity to know that the people in power were, many of them, the instigators of the rebellion against General Beresford.

Examined by the Court.

Q. Do you recollect whether General Whitelocke ever examined you on the subject of what you had seen when you went into the town of Buenos Ayres?

A. I understood that every thing I had reported to General Gower had been communicated to General Whitelocke; and a day or two after he asked me some questions himself; but did not send for me particularly for that purpose.

Q. Had you stated the whole of your instructions to the Spanish General at the time he so warmly expressed himself against the surrender of the town?

A. No; I stated, generally, our great force, and the disposition of the Commander in Chief to do every thing that humanity could suggest; and that all private property should be respected. I did not touch on the Spanish prisoners of war.

Q. Did you learn from General Elio or his aide de camp, whether the bridge was evacuated, and whether the whole force of the Spanish army was in the town?

A. Nothing relative to the evacuation of the bridge took place. I had endeavoured to impress on them that we had defeated the whole Spanish army the night before.

Q. Was that article respecting the surrender of the civil officers ever mentioned to General Elio, or did he particularly object to it?

A. Certainly not: I thought it best, in the disposition I found him, not to mention the subject.

Joseph Bullock, Esq. Commissary-general, sworn and examined.

Q. Were you at the head of the commissariate employed on the expedition against Buenos Ayres? and have you any return of the amount of the provisions embarked for that expedition?

A. I was. Here are the returns.

[Here the witness put in the returns of the quantity of provisions embarked at Monte Video, and landed at the Ensinada.]

Q. What number of horses had been provided for transporting the provisions?

A. None: no horses were specifically provided for that department. There were about sixty dragoon horses appropriated for that purpose on the landing at the Ensinada.

Q. Were there any greater number than the sixty horses you speak of employed in transporting the provisions across the marsh?

A. None. There were only about twenty-five that actually took provisions from the Ensinada. Many of the others broke loose, and lost the supplies which they carried, and the rest would not bear any on their backs.

Q. Were there any arrangements made, or any communication with General Whitelocke, for adopting a mode to secure the necessary supply of provisions for the army on its march.

A. On my arrival at Monte Video on the 15th of June, I waited upon the Commander of the forces, when he introduced me to Lieutenant-colonel Bradford, the deputy adjutant-general, and Lieutenant-colonel Bourke, quarter-master General, and Lieutenant-colonel Torrens the military secretary; observing, that as I should have much communication with these officers, they were at liberty to make me acquainted with all particulars. Supposing that he alluded to the service in general, the next or following day I called upon the deputy Quarter-master general, and requested all necessary information as far as concerned my department, relative to the expedition up the Plata. He intimated to me that as the landing would not be more than five or six miles from the town, it would be only necessary for me to send one of the officers of my department thither as soon as possible with the lasso men, in order to seize all cattle, or any thing else in the way of supplies that might be found on the spot. Conceiving therefore, that nothing more was wanted of me, I did not trouble the Commander of the forces with any direct application relative to what might be required of me. I thought it was only further necessary to suggest the expediency of landing seven days supply of provisions immediately after the troops had landed, in order to guard against want; although Lieutenant-colonel Bourke gave me reason to hope that the British forces would be in the town of Buenos Ayres in the course of the second or third day after landing. I therefore had no reason to expect the army would have had so tedious a march to make, and consequently I did not think of making any preparation for furthering the supplies; but in order to convey the seven days provisions I had recommended to be landed upon the water's edge, I suggested the propriety of taking six small carts with mules for that purpose. That being approved of, the carts and mules were embarked accordingly.

Q. What was the place of landing intimated to you?

A. The place of landing was not intimated to me at all. I only knew it from the circumstance of the fleet's arriving off the Ensinada, and the people's going on shore.

Q. Then had you no direct communication with the Commander of the forces at Monte Video respecting the supplies for the army previously to leaving Monte Video, on the expedition to Buenos Ayres?

A. In a general way I had. On the 10th of June I gave the Commander of the forces a general statement of all the supplies that were in the magazines at

A. The troops having in great part received their supplies daily after the 4th of July, for several days from the same supplies, I should apprehend the quantity of biscuit remaining on the night of the 4th might have been adequate for the supply of the whole army for four or five days. There were also received supplies of meat, and there was cattle remaining much in the same proportion as biscuit.

Q. Do you mean then to state that there were supplies of provisions for the army on the night of the 4th, both bread and cattle sufficient for four or five days?

A. Yes; but I cannot speak positively.

Q. You have stated that after the arrival of the troops at Miserere, there was a regular supply of provisions, both bread and cattle; was that in consequence of any previous arrangement, or solely from captures?

A. Solely from captures.

Q. Had you any means of supplying the army with provisions subsequent to their arrival at Miserere, if no provisions had been found there?

A. I had none.

Cross-examined by Lieutenant-general Whitelocke.

Q. Was not the quantity you have stated on the landing at Ensinada, of which you have delivered in a return, exclusive of the three days provisions carried by men from the transports?

A. I understood it to be exclusive of them.

Q. Your return states 17,000lbs. of biscuit left on the ground at Ensinada; was not that the biscuit destroyed by the kicking of the horses, and was not a part of it lost in the swamp?

A. A small quantity of it was re-embarked, and the remainder of it was lost in the way pointed out in the swamp.

Q. Was every exertion made by yourself and by Colonel Bourke to carry the bread and spirits on from Ensinada?

A. Undoubtedly every possible exertion was made.

Q. Were not a sufficient quantity of sheep procured before day-light in the morning of the 30th, to supply the whole army with two days' meat?

A. I have my doubts whether the quantity of sheep would supply the whole army to that extent, General Lumley's brigade and General Crawfurd's brigade having marched from the ground previous to my arrival.

Lieutenant-general Whitelocke interrupted the witness, and observed, "there never was any difficulty in obtaining provisions. I shall reserve that part for my defence."

Q. Might not a number of seamen have assisted you in transporting provisions across the swamp?

A. They would have been of no use in the undertaking.

Q. At what time of the day on the 2d of July was the delivery of biscuit made to Major-general Gower's advanced corps?

A. I cannot tell, not having been present myself.

Q. What means had you then of knowing that the delivery was made to them?

A By the person who issued the supplies having given me different memorandums of his knowledge of the delivery.

Q. Did any person of the Commissary-general's department attend to receive orders at the head-quarters, or how were the General's orders conveyed to you?

A. I invariably waited upon the General in person, for such orders as he might have to give relative to the supplies.—The witness withdrew.

Lieutenant-colonel Bradford called, and examined by the Judge Advocate.

Q. I believe, Sir, you were deputy Adjutant-general in the expedition against Buenos Ayres?

A. I was.

Q. Will you state the effective strength of the army when it embarked, or perhaps it would be better to state the effective strength of the army on the landing at Ensinada?

A. 7822, exclusive of 280 sailors.

Q. And the effective strength of the different corps into which the army was

A. The deputy Commissary-general, who had the charge of the department at Monte Video previous to my arrival, had the arrangements to make for the service of the department going on the expedition; and he had directions to get a number of these lasso men, but was unable to procure or to induce more than four or five men, or thereabouts, to proceed with the army.

Q. Had you no men to take charge of the horses which were allotted to your department, on the landing at Ensinada?

A. They being dragoon horses, the dragoons were attached to them, to assist in bringing on the horses with the supplies.

Q. Had you any communication with, or order from, Lieutenant-general Whitelocke, after your arrival at the heights, and during the march from thence to Buenos Ayres, upon the subject of provisions and forage for the army, up to the night of the 4th of July, and if you had, state what it was?

A. I did not join Lieutenant-general Whitelocke on the heights until the 30th of June, when the army was preparing to march forward; and I did not receive any orders from him relative to the supplies on the march, excepting the delivery immediately of a small quantity of biscuit, which was carried across the swamp; but there not being time for its being delivered out, in consequence of the sudden movement of the troops, the greater part of that biscuit was ordered to be carried on after the army. The troops received meat sufficient for two days previous to marching.

Q. What were the orders you received during the whole of the march?

A. During the whole of the march of the 4th, at Quilmes, or Reduction, General Whitelocke gave me reason to hope that the army would receive supplies from the shipping; but I received no orders particularly upon this occasion. When the army arrived near Buenos Ayres on the 3d of July, they received regularly supplies of biscuit as far as the regiments chose to send for that article to head-quarters, where the biscuit was either found or baked. This goes only to the main part of the army, the columns under Major-general Gower having proceeded throughout the march forwards without any communication being made to me that it was to go forwards. The column under the command of Colonel Mahon received four or five days supply of bread and spirits at Reduction, and the troops in general received fresh meat at different places, but not always to the full extent of what they ought to have had, had there been a sufficiency of cattle procured. The column under General Gower commenced also receiving bread near Buenos Ayres on the 2d of July.

Q. My question was, what orders you received from General Whitelocke up to the 4th of July; you have only given an account of the supplies?

A. I had no actual orders.

Q. State what supplies the army did receive: you have stated some supplies which the army received: state what supplies they had up to the 4th of July?

A. It is included in the statement I have given in.

Q. In the return?

A. Yes.

Judge Advocate.—Perhaps it may be as well to read now an order put into my hands by General Whitelocke; as the whole of the case is to be fully examined, I think it right to read it. It is given at head-quarters, and runs thus: "The Commissary-general will take care, that one of his department is sent forward with each body of the army, and fix his quarters as near the commanding officer as possible, and take care that every possible exertion is used to obtain the necessary supplies for the troops." The date is the 30th of June.

Q. Whence was that biscuit procured? You say, that after a time they found biscuit sufficient on the 30th of June?

A. The chief of it was found in two houses on the troops arriving at the Miserere. There had been bake-houses, and bakers were employed to bake as much as they could obtain.

Is there a return of the provisions in the possession of the commissariate on the close of the 4th of July?

A. Not specifically.

Q. Then state to the Court what provisions were in your possession, as Commissary-general, on the close of the 4th of July?

A. The troops having in great part received their supplies daily after the 4th of July, for several days from the same supplies, I should apprehend the quantity of biscuit remaining on the night of the 4th might have been adequate for the supply of the whole army for four or five days. There were also received supplies of meat, and there was cattle remaining much in the same proportion as biscuit.

Q. Do you mean then to state that there were supplies of provisions for the army on the night of the 4th, both bread and cattle sufficient for four or five days?

A. Yes; but I cannot speak positively.

Q. You have stated that after the arrival of the troops at Miserere, there was a regular supply of provisions, both bread and cattle; was that in consequence of any previous arrangement, or solely from captures?

A. Solely from captures.

Q. Had you any means of supplying the army with provisions subsequent to their arrival at Miserere, if no provisions had been found there?

A. I had none.

Cross-examined by Lieutenant-general Whitelocke.

Q. Was not the quantity you have stated on the landing at Ensinada, of which you have delivered in a return, exclusive of the three days provisions carried by men from the transports?

A. I understood it to be exclusive of them.

Q. Your return states 17,000lbs. of biscuit left on the ground at Ensinada; was not that the biscuit destroyed by the kicking of the horses, and was not a part of it lost in the swamp?

A. A small quantity of it was re-embarked, and the remainder of it was lost in the way pointed out in the swamp.

Q. Was every exertion made by yourself and by Colonel Bourke to carry the bread and spirits on from Ensinada?

A. Undoubtedly every possible exertion was made.

Q. Were not a sufficient quantity of sheep procured before day-light in the morning of the 30th, to supply the whole army with two days' meat?

A. I have my doubts whether the quantity of sheep would supply the whole army to that extent, General Lumley's brigade and General Crawfurd's brigade having marched from the ground previous to my arrival.

Lieutenant-general Whitelocke interrupted the witness, and observed, "there never was any difficulty in obtaining provisions. I shall reserve that part for my defence."

Q. Might not a number of seamen have assisted you in transporting provisions across the swamp?

A. They would have been of no use in the undertaking.

Q. At what time of the day on the 2d of July was the delivery of biscuit made to Major-general Gower's advanced corps?

A. I cannot tell, not having been present myself.

Q. What means had you then of knowing that the delivery was made to them?

A By the person who issued the supplies having given me different memorandums of his knowledge of the delivery.

Q. Did any person of the Commissary-general's department attend to receive orders at the head-quarters, or how were the General's orders conveyed to you?

A. I invariably waited upon the General in person, for such orders as he might have to give relative to the supplies.—The witness withdrew.

Lieutenant-colonel Bradford called, and examined by the Judge Advocate.

Q. I believe, Sir, you were deputy Adjutant-general in the expedition against Buenos Ayres?

A. I was.

Q. Will you state the effective strength of the army when it embarked, or perhaps it would be better to state the effective strength of the army on the landing at Ensinada?

A. 7822, exclusive of 200 sailors.

Q. And the effective strength of the different corps into which the army was

divided on the morning of the 2d of July?

A. The main body of the army immediately under the command of General Whitelocke, which advanced for Reduction on the 2d of July consisted of 3847 rank and file. The corps advanced under the command of Major-general Gower on the 2d of July, amounted to about 2150 men, rank and file. It was impossible to get any correct return at that time; I had not any return from General Gower, but that was about the number he commanded. The force remaining at Reduction under the command of Colonel Mahon, consisted of about 1644 rank and file.

Q. Will you state the effective strength of the army before Buenos Ayres on the night of the 4th of July, and the actual strength under Colonel Mahon?

A. It consisted of about 6128 effective rank and file. Under Colonel Mahon 1844 including 200 seamen.

Q. What was the force left at Monte Video on the embarkation of the army on the expedition against Buenos Ayres?

A. 1354 rank and file.

Q. Does that include the marines?

A. Exclusive of the marines.

Q. Can you tell what was the number of marines?

A. Upon my word I cannot recollect. Some I know were landed at Monte Video.

Q. Were any orders issued informing the general officers, and the officers commanding divisions on the 5th of July, of the station of the commander of the forces during the attack on that day?

A. Not that I know of.

Q. Were any orders issued appointing the places of retreat, in case retreat should become necessary, in the attack of the town on the 5th of July?

A. There were no orders issued through me.

Q. What was the amount of the casualties returned from the landing of the army at the Ensinada, exclusive of those which occurred in the attack made by Major-General Gower on the 2nd?

A. The returns which I received, include the returns of killed and wounded on that day, and in the engagement of the piquets on the following day; but I have no distinct return of the casualties which happened at that time. We had no sick that I know of. I have a general return, and that amounts to 50 rank and file; the officers are not included in that number, but merely the rank and file; this is up to the 4th. There are three missing, which are included in the casualties.

Q. Were you with the main body of the army during the march from Reduction to Buenos Ayres?

A. I was.

Q. But you have not stated the casualties of the officers yet?

A. One captain, five subalterns, and five serjeants.

Q. Do you know what reasons there were for the halt of the main body under Lieutenant-general Whitelocke's immediate command about two o'clock on the 2d of July?

A. I do not.

Q. Did the troops appear to you so exhausted with fatigue, as to make the halt on that account inevitable?

A. No.

Lieutenant-general Whitelocke put no questions to the witness in cross-examination.

Lieutenant-colonel Davie called, and examined by the Judge Advocate.

Q. Were you commanding officer of the 5th regiment on the 2d of July?

A. Yes.

Q. Did that regiment form a part of the main body under Lieutenant-general Whitelocke's command, in the march from Reduction to Buenos Ayres?

A. Yes.

Q. Was your regiment so exhausted by fatigue on the 2d of July, as to make a halt necessary at the time when the main body was ordered to halt on that day?

A. Yes. It was so late before we occupied the ground; we left the village of Reduction very late in the morning.

Q. I believe you halted between two and three o'clock in the day?

A. Yes, we did, at the pass of the river.

Q. What time was it when the army took up its position that night?

A. It might be three or four o'clock that night.

Q. The question I put was, whether they were so exhausted by fatigue that they could not proceed further?

A. Yes, they could have proceeded further. I did not think it was so much on account of fatigue as the lateness of the day.

Q. Might they have marched further?

A. I think they might.

Examined by the Court.

Q. Was any discontent shewn among the regiment under your command on that day?

A. Not any whatever.

Q. At what time did the main body march from Reduction that morning?

A. About eleven o'clock.

Q. Had the regiment under your command had any food before they marched?

A. I fancy they had; there were directions given, and they were supplied with meat the night before.

Q. That is not an answer to the question?

A. They had some food; they had meat served out to them the evening before.

Q. Did you know whether your regiment cooked their meat on the morning of the 2d?

A. We had no means of cooking regularly: we cooked as well as we could.

The witness withdrew.

Lieutenant-colonel Nugent called, and examined by the Judge Advocate.

Q. Did you command the 38th regiment on the 2d of July last?

A. Yes.

Q. Did that regiment form a part of the main body of the army under the command of General Whitelocke on that day?

A. Yes.

Q. Was your regiment so exhausted by fatigue as to make a halt necessary when the division of the army under General Whitelocke's command was ordered to halt on that day?

A. No, certainly not.

Cross-examined by Lieutenant-general Whitelocke.

Q. Did you, by my order, send out or go with a foraging party before daylight on the morning of the 30th of June, and how many sheep did you bring in for the use of the army?

A. I did go out with a party, and I brought in a very large flock of sheep, I think more than I ever saw before together. I do not know how many, but I should think there were about 4000. It was a larger flock than I had seen before.—The witness withdrew.

Major Nicholls called, and examined by the Judge Advocate.

Q. Were you Major of the 45th regiment on the 2d of July last?

A. I was.

Q. Did that regiment form a part of the main body of the army under the immediate command of Lieutenant-general Whitelocke on that day?

A. It did.

Q. Was that regiment so exhausted by fatigue as to make a halt necessary, at the time when that division of the army was ordered to halt on that day?

A. Not by any means; 100 men of the 45th regiment were left behind at Reduction that morning: amongst these were the weakest men, so that we were in a situation to have made a very long march.

Q. Can you speak with any accuracy to the hour when the halt took place; if you can, state it?

A. I think between three and half past three when they halted for the night.

Examined by the Court.

Q. Were any signs of discontent shewn by the 45th on that day?

A. No, nor upon any other occasion during the service.

The Judge Advocate.—The questions I have put to the commanding officers of the regiments which composed the main body under Lieutenant-general Whitelocke, I should likewise have put to the officers of the 87th regiment, which also formed a part of it; but I understand they are not here, and there-

fore we cannot have the opportunity of making the same enquiry of them.

Lieutenant-colonel Nugent recalled, and examined by the Court.

Q. Were any symptoms of discontent shewn by the regiment under your command on the 2d of July?

A. No, much the reverse.

Major-general J. Leveson Gower called, and examined by the Judge Advocate.

The Judge Advocate.—Having already heard the first and second charges, be so good as to attend to the third and fourth.

The third and fourth charges were then read to Major-general Gower.

Q. Major-general Gower will continue his narrative from the period when it was broken off; namely, from the close of the 4th of July to the signature of the treaty.

A. I met Lieutenant-general Whitelock according to his order soon after six o'clock on the morning of the 5th, on the Coral de Miserere. At the time appointed, I heard him order Captain Frazer to open the cannonade; I remained without any particular order being given to me until it was nearly dark. During that period, I heard Lieutenant-general Whitelocke give orders to his own aid-de-camps relative to some of the divisions of the troops; but these orders not having been particularly directed to me I cannot exactly state what they were. About mid-day, I heard him direct Captain Whittingham to go to the left, and communicate with some of the divisions of the army. After a lapse of some time, Captain Whittingham returned, and I heard him state as part of the report, that Sir Samuel Auchmuty wished a detachment of artillery to be sent to him. I received General Whitelocke's directions to provide that party, when ready, with some of the firelocks which had been captured in the action of the 2d, the artillery-men having only their swords. They were then marched under the command of Serjeant Hamilton of the 17th dragoons, who had accompanied Captain Whittingham to the Plaza de Toros. At night Lieutenant-general Whitelocke ordered that all the staff-officers who were assembled at the place where I was, should go down with him to his quarters: we did so; and remained there till day-light the next morning. Some time afterwards, I heard General Whitelocke order Captain Whittingham to proceed to the right, and try to open a communication both with the right columns of attack and with those troops who had been left over the Chuelo. Lieutenant-general Whitelocke and the officers who were with him soon afterwards went up to the Coral. At some period of the forenoon, Serjeant Hamilton of the 17th regiment arrived with a letter which I saw him deliver to General Whitelocke: he gave it to Captain Squire and ordered him to read it, and secondly to me with the same order. It was in Spanish, and, to the best of my recollection, signed by General Liniers. I am not perfectly master of the Spanish language, but I think I understand it sufficiently to be able to state, that it contained generally a description of the effect produced by the attack of the preceding day, and to it was added a proposal for the cessation of hostilities, and for the commencement of a treaty, in which he proposed to give up all the prisoners of war in his possession, if the British troops would evacuate the river Plata. I have to state that this is from recollection purely, as I only saw the letter once at that period, and I believe it contained more. General Whitelocke soon afterwards informed me, that he intended to consider that letter, by saying, that he would communicate with the admiral upon the subject, and he was pleased to ask me whether I thought that was a proper answer. I answered, that I did not, because it appeared to me that that was a tacit acknowledgment, that he himself was willing to enter into the treaty if the Admiral was. I did not suppose he would take such a measure till he had personally investigated the facts, and had by his own observation fully ascertained what further means of attack remained in his power. He then said, that it would at least be desirable to gain a little time: I answered, that, could be obtained by a proposal for a cessation of hostilities for an hour or

to collect the wounded who were
sed, or for any other cause of that
ption which could not materially
the general operations. He di-
l me to sketch a letter to that
, which I did immediately, and
red it. He said the statements
not founded in fact when he read
d he rejected it altogether. He
lirected Lieutenant-colonel Bourke,
uarter-master General, to write an
r: when that was done, he disap-
d of it as well as of mine. He then
called for the original one, which
vered, and he ordered Lieutenant-
el Torrens to make some alteration.
s copied by him, and I believe
nto the town by Captain Browne,
al Whitelocke's aid-de-camp.
enant-general Whitelocke then or-
Colonel Bourke to remain in
and of the troops which were in
icinity of the Coral, with some
also for those under Colonel
n, whenever they might arrive,
ent immediately with all the other
fficers to the Plaza de Toros.
arrived at the Plaza de Toros, he
ed me to go and inspect the ord-
generally which had been cap-
and to fix upon such spots as I
ht most desirable for batteries, for
ture consideration. I was some
lerable time occupied upon that
and returned to him, stating that I
ived the best place for a battery of
n, if it did not exceed six pieces,
he round building that had been
ied for the bull-fights: that the
r-battery was to be placed with
angle covered by the same build-
He asked me, if I thought there
nuch probability of success in a
ick? I stated, that there were but
leans, and I did not think either
succeed. The one by assault had
ried with only partial success; the
l by bombardment, even were the
in our power to the fullest extent,
, in my opinion, produce very little
upon a town of so immense a size
nos Ayres, the buildings of which
effectually incombustible. That
was but one British twenty-four
er landed, and that a large pro-
n of the captured guns were spik-
unfit for service. Of the few that
were fit, the number of any consider-
able calibre was very small; that hav-
ing seen the trifling effect produced
by twenty-four pounders on the houses
of Monte Video, I was convinced that
guns of a lighter calibre would produce
little or none against houses constructed
of similar materials, and nearly on a si-
milar manner with those at Monte Video.
I moreover stated it as my opinion, from
the rough estimate which I had been
able to form of the loss, that the number
of troops remaining, even were the Spa-
nish General disposed to give up Buenos
Ayres without a further struggle, were
by no means adequate, or nearly so, to
controul such a mass of armed inhabi-
tants, and to hold such points as were
absolutely necessary for the support of
the British army. Soon after this, Lieu-
tenant-general Whitelocke informed me,
that he had sent to General Liniers to
say, that he would order me into the
town to communicate with him on the
subject of his letter. I attended Lieu-
tenant-general Whitelocke some time
afterwards to receive his orders, and he
gave me a variety of verbal ones relative
to the points which I was to discuss with
General Liniers. I requested a detailed
written order on the subject, but he
would not give it to me. I believe that
it was about three o'clock when I went
with a flag of truce into the town.

Q. Major-general Gower will state as
nearly as he can the orders which he
received?

A. I believe they will presently ap-
pear very distinctly. There I met Ge-
neral Liniers and some of his principal
officers. I asked Lieutenant-general
Whitelocke when he delivered the
orders to me, whether I was to abide
absolutely by the points he had mention-
ed, or whether, without losing sight of
them, I might propose three or four other
conditions, that if the enemy encreased
in their demands, I might, without re-
ceding from his original orders, have
something to concede for any conces-
sions they might make on their part.
The terms which he had proposed, and
which he said he would not recede from
in any considerable degree, and to which
I was to pay particular attention, were
the possession of the town of Monte
Video in sovereignty during the period

of four months, and that a district comprehended within a line drawn from St. Carlos on the west to Pando on the east, should be considered as a neutral country; that the Spaniards should deliver up all prisoners of war in their possession; that there should be no attempt to prevent the introduction of supplies into Monte Video during that period of four months; that the British troops should embark at whatever point they should select within ten days, with all their cannon and stores, and any such as they had taken from the enemy that they might chuse to carry with them; that during the above-mentioned period of four months, the commerce of the British merchants in the river Plata was to be perfectly free in every part of it. The additional propositions which I intended to make, and which I submitted to Lieutenant-general Whitelocke, and which he approved, was the seizure in sovereignty of a considerable part of the left bank of the river Plata, and that that country and the river Plata should be considered as neutral during the remainder of the war. I did converse with General Liniers upon each of these subjects separately, and in one or two more which he proposed, but from which he receded. Finding that there was no probability of his agreeing to the additional proposition, I receded after some time also from that, and confined myself entirely to those points, relative to which I had received his special directions. Late in the evening I returned to the Plaza del Toros, having taken notes on each of the subjects under discussion, and on two additional subjects which General Liniers had proposed, and which, as I did not find that they militated against any thing in the former orders, I was inclined to submit to Lieutenant-general Whitelocke. That he might clearly understand them, I, from the notes which I had, drew out a paper in the form of articles which I delivered to Lieutenant-general Whitelocke: On the subsequent day, between eleven and twelve o'clock, Admiral Murray having come on shore, Lieutenant-general Whitelocke informed me, that it was their intention to agree to a treaty founded on the preliminary propositions which I had delivered to him the preceding night. On the succeeding day, Lieutenant-general Whitelocke ordered me to prepare a treaty which he then delivered to me, with those propositions that I had originally repeated: I did so, and answered that it was in substance the same. I believe on the subsequent morning, the 9th, General Liniers began to deliver such portions of the prisoners as could move, and as then were in Buenos Ayres. At the same time I received General Whitelocke's orders to communicate and co-operate with Captain Bayntun of the navy, in the re-embarkation of the troops from the Plaza de Toros. On that service I continued to be employed till the night of the 12th, when it was completed.

Q. Perhaps it might be as well if General Gower were to state within his knowledge, what orders were given for the evacuation of Monte Video?

A. I can state that I was with the last division of troops that embarked from Monte Video under General Whitelocke's orders.

Q. Were you with General Whitelocke during the whole of the day of the 5th?

A. With the exception of a period of about half an hour, during which Lieutenant-general Whitelocke was absent, he having ordered the staff-officers, in the presence of myself, to remain where they were.

Q. At what period of the day was that?

A. I have not a specific note on the subject. It was some time after mid-day. I remember the fact, but I have not a specific note.

Q. Did you remain with General Whitelocke during the whole of the day, in consequence of any orders you received from him that day, or in consequence of any previous orders?

A. In consequence of the order I had received the preceding night to meet him that morning and receive his orders; consequently I remained where I was, till I did receive such orders.

Q. Had you any communication with Lieutenant-general Whitelocke in the course of the 5th, on the subject of his and your position?

A. I had.

Q. State what it was?

A. Soon after he came up, he said he thought that was a good place to remain in till he collected his reports, and asked me if I thought so? I said from its central situation it appeared to me in the first instance as good as any other.

Q. Had you any other conversation in the course of that day on the same subject?

A. None that I recollect. I had very little communication with Lieutenant-general Whitelocke on the 5th of July.

Q. Describe the place in which you remained from break of day till dark, and its distance from the entrance of the town, and its computed distance from the several points of attack?

A. It was nearly at the spot from which the light brigade moved, close to the entrance of the two principal streets in the town of Buenos Ayres. Its exact distance from the points of attack a reference to the map alone can shew. I never measured it.

Q. State the names of the officers who remained with Lieutenant-general Whitelocke during the 5th of July?

A. Captains Brown, Forster, Whittingham, and Douglas, aids-de-camp to General Whitelocke; Lieutenant-colonel Torrens, military secretary; Lieutenant-colonel Bourke, deputy quartermaster general; Lieutenant-colonel Bradford, deputy adjutant-general; Captain Blake, assistant adjutant-general; Captain Frazer, commanding the artillery; Captain Squire commanding the engineers, Lieutenant Costley attached to me as brigade-major, and myself. I do not recollect more.

Q. Will you state the number and description of troops left as a reserve after the commencement of the attack?

A. After the commencement of the attack, I considered all the dismounted cavalry, and one company of the 88th regiment, as a reserve.

Q. What was the number and description?

A. I do not know the number; I have no return.

Q. In the situation in which you remained, had Lieutenant-general Whitelocke a facility for communicating with the different divisions of the army engaged in the attack?

A. In point of distance, I should suppose from its central situation that it was best calculated for that purpose. As to facility, all places were equal, from the immense number of mounted and armed men that were close to the troops in every situation in that country.

Adjourned.

SEVENTEENTH DAY.

THURSDAY, FEB. 18.

The Court having assembled pursuant to adjournment, strangers were excluded until half past ten o'clock, when the doors being thrown open, and Lieutenant-general Whitelocke with his attendants, and the officers belonging to the Court, having taken their respective stations, the President, Sir William Meadows, addressed the Court as follows:

In consequence of the indisposition of one of our most distinguished members (General Lord Lake) and in the hope of his speedy recovery, the Court is adjourned until Monday next at ten o'clock precisely.

Adjourned.

EIGHTEENTH DAY.

MONDAY, FEB. 22.

The Court having met pursuant to adjournment, in consequence of the death of General Lord Lake, the disposition in which the members had before sat, was changed.

Joseph Bullock, Esq. Commissary-general, attended at his own desire, to explain and correct some parts of his former evidence. He said that having before stated that there was only bread and meat, he wished to explain to the Court that there was also flour and grain, besides a specific quantity of bread, adequate to the supply of the whole of the army for four or five days, there being mills and ovens capable of grinding and baking it for the daily comsumption. In another part of his evidence respecting

the orders he had received from the General on the march, he meant to say, the orders previous to marching out, when the army halted at their different halting places; the General gave him orders to collect cattle, and a quantity was driven accordingly.

Major-general Gower was then called, and after his evidence of the preceding day had been read over, he was further examined.

Q. Was the spot on which General Whitelocke took his station on the morning of the 5th of July, the ground occupied the preceding night by the light brigade? or was it in a line with the out-posts where that brigade passed, previous to commencing the attack?

A. It was immediately in the rear of the houses in which the light brigade were cantoned the night before, and on the nearest open ground, which was a little elevated above those houses.

Q. Did you hear the whole of Captain Whittingham's report, when he delivered Sir Samuel Auchmuty's request for a reinforcement of artillery-men?

A. I am not sure whether I did or not. At this distance of time, and having no note of it, I cannot state the whole of it.

Q. At what hour was that report received by General Whitelocke?

A. I believe about two o'clock.

Q. Did you hear enough of the report to enable you to state whether Sir Samuel Auchmuty's request was confined to obtaining a reinforcement of artillery-men, or whether it extended to other points?

A. I did not. I have stated all that I know positively on that subject.

Q. Did the report detail the operations in which Sir Samuel Auchmuty had been engaged, and did it state the situation in which his corps was at the time Captain Whittingham left it?

A. I believe it did not give any detail, but that it described the existing state of that corps at the time.

Q. Is what you have stated all that you can remember of Captain Whittingham's report on this subject?

A. Yes, it is.

Q. Did Captain Whittingham specify the purpose for which this reinforcement was wanting?

A. I do not know whether he did or not.

Q. With what escort did Captain Whittingham proceed to Plaza del Toros, and what were the difficulties he experienced in going or returning from thence?

A. He had some dragoons. The number I do not know; not having been with him, I cannot state what occurred in the execution of this duty.

Q. Had General Whitelocke any, and what information of the different columns of the army, previous to his leaving the Coral, and returning to his quarters on the night of the 5th?

A. I heard him give orders relative to the dismounted cavalry that were in the front, which were carried by his aide-de-camp, consequently I suppose he had communication with them. Except that and the one described by Captain Whittingham, I know of no other at that period.

Q. Explain what regiments you mean when you speak of the dismounted cavalry. Were they part of the reserve, or part of the original columns engaged in the attack?

A. Four troops of the carbineers dismounted, and a part of the 9th light dragoons: these were what I before stated as considering them to be part of the reserve.

Q. Is the Court then to understand that General Whitelocke had not received any information respecting either of the columns of his army, engaged in the attack, previous to leaving the Coral and returning to his quarters on the night of the 5th, with the exception of that from Sir Samuel Auchmuty and Captain Whittingham?

A. I knew of no other than that which I have stated.

Q. Had the dismounted cavalry been engaged on the 5th?

A. The proportion of them which occupied the ground on which they relieved the pickets of the infantry, were more or less so during the whole day.

Q. Do you remember the name of the aide-de-camp who carried the order you have just mentioned?

A. Captain Foster.

Q. Were any, and what attempts made by General Whitelocke to obtain information of the different columns of his army, engaged in the attack? and were any, and what attempts made to place himself in communication with any of these columns?

A. I do not know any other attempt than that which I have described. General Whitelocke remained nearly stationary the whole of the day, except that interval of half an hour I have before spoken of, and during which I do not know whither he went.

Q. Were any, and what attempts made by General Whitelocke personally, or otherwise, to co-operate with, and support the different columns of his army, engaged with the enemy on the 5th?

A. I have already stated every thing I know on that subject.

Judge Advocate.—I am desired by the Court to request General Gower to give a direct answer to the last question.

A. I can only detail what I have already said. I know of no other orders that were given on that subject.

Judge Advocate.—That we may clearly understand how the evidence stands with respect to General Whitelocke's conduct on that day, I would wish the question repeated and again answered. I am not sure that any thing which General Gower has said goes to shew any personal exertions on the part of General Whitelocke; General Gower has not given a direct answer to that. I merely ask what he saw or heard upon the subject?

The question was then repeated, and the same answer given.

Q. At what hour did General Whitelocke leave the columns for the purpose of returning to his quarters, on the night of the 5th.

A. I should think between five and six o'clock. It was dark almost immediately after.

Q. Did he or did he not do so in ignorance of what had occurred to the different divisions of the army who had been engaged with the enemy during that day, with the exception of that under Sir Samuel Auchmuty's command?

A. I believe he did not know the result of the attack of the right columns, that include General Craufurd's brigade and the 45th regiment. Of all the rest I have reason to think he received intelligence from Sir Samuel Auchmuty.

Q. State your reason for thinking he had received any such intelligence?

A. Because I had learnt the event of the left columns from Captain Whittingham.

Q. State where the head quarters were that night, and as minutely as you can, the distance from the entrance of the town, and the computed distance of the different points of attack?

A. The distance from the house then called White's house, to the first houses in the town, I cannot exactly state. The road close to it, where the enemy's guns were placed, when the light brigade charged on the 2d, was so near to the first houses in the town, that the grape-shot reached very near to White's house. The distance of the points of attack, being the whole depth of the town, I cannot state.

Q. State whether the enemy made any attack during the day or night of the 5th, on the troops stationed near the person of General Whitelocke, and the precaution taken for the security of head quarters during the night.

A. Small parties of the enemy were forcing themselves out of the town during the whole of the day of the 5th. The 6th dragoon guards, and the 9th light dragoons, were seriously in action during the greater part of the day, and the former corps lost their first and second senior officers. Mr. White's house was occupied as an hospital as well as head quarters: a company of the 88th had been there all day to secure the wounded, to the best of my recollection. A subaltern's picket which was left, might have been moved down to join them. I do not know whether it was or not. I heard General Whitelocke order that one of the junior staff present should, during the night, be constantly walking on the flat roof of the house, to give him notice of any extraordinary occurrence: I do not remember any other particular precautions.

Q. Was the reserve composed of the 6th dragoon guards, 272; the 9th light dragoons, 482; the 70th light dragoons

mounted, 30; dismounted, attached to the Commissary-general, 83; one company of the 88th regiment, 60; with a detachment left in charge of the regimental knapsacks, 180?

A. Yes; these were corps which I considered belonging to the brigade?

Q. Was the object of those parties, who from time to time broke out of the town, to attack the reserve near General Whitelocke, or to make their escape?

A. There was a great distinction. There was a considerable force in action, and their cavalry were trying to make their escape.

Q. Were the troops belonging to the reserve, which you state to have been engaged in the town on that day, engaged in resisting any attacks of the enemy on them, or in consequence of these troops attempting to force their way into the town?

A. In the first instance certainly, the enemy attacked the troops who were then stationary; eventually I heard General Whitelocke send an order to the carbineers to charge some guns; the cause of that order I believe to have been a report made to him by Captain Foster, his own Aide-de-camp.

Q. State the period at which that attack was made, and what force, and all the circumstances connected with it to your knowledge?

A. The hour I do not remember. I was at some little distance from General Whitelocke, when I saw Captain Foster come from the carbineers, and he communicated something which I did not hear to General Whitelocke. Immediately afterwards, General Whitelocke ordered me to go and direct the carbineers to charge the guns. I do not know any other circumstances relating to it. The enemy's force was so concealed by buildings and inclosures, I cannot give an opinion of it. It seemed to me to consist of all the male inhabitants of that part of the town, together with their slaves.

Q. Did you see or hear of any other attack made by the enemy, except that you have stated during the 5th?

A. There were small parties of the enemy constantly forcing their way out of the town, which kept the small detachments of corps almost constantly firing more or less. I do not know any other.

Q. Did the object of these small parties forcing their way out of the town, appear to be for the purpose of attacking the reserve, or to escape?

A. To escape.

Q. How was the dismounted cavalry armed, and which formed part of the reserve?

A. The sixth dragoon guards, and the 9th light dragoons, had carbines of the old pattern. The 17th light dragoons had some of the new pattern, but after they were embarked they were exchanged for infantry firelocks, which were, I believe, in whole, or in part, captured Spanish arms.

Q. State what passed on that night at head-quarters, and what resolutions were decided on for the subsequent day.

A. I heard General Whitelocke express himself particularly anxious to communicate with the right column of attack, and with the force under Lieutenant-colonel Mahon; and that he should, as early as possible in the morning, employ Captain Whittingham on that service.

Q. How was General Whitelocke employed during that period? Did he eat, or drink, or go to bed? You are called upon to state every thing that passed.

A. Soon after dark all the officers present had some dinner. At an early hour, I don't remember what, the whole, except the officer who was placed on the roof of the house, laid themselves down on various parts of the floor to sleep. They got up at times during the night, to see if there was any merriment or firing at their side. Some time before day-light, I believe, the whole of them were walking about, ready to receive the General's orders.

Q. By the whole number of officers, do you include General Whitelocke himself?

A. I think I may. I think he did get up once or twice in the night; but as it passed in the dark, it is not easy for me to say, and not an easy matter to state correctly.

Q. How were the troops of the reserve disposed of during the night?

A. To the best of my recollection all,

except the carbineers, remained in the same position they had occupied during the day; the carbineers being a little in advance of that which they occupied in the morning.

Q. State the hour at which General Whitelocke left head-quarters on the morning of the 6th.

A. To the best of my recollection, almost immediately after day-light.

Q. At what hour did he direct Captain Whittingham to try and open a communication with the right column of attack, and with the troops left on the other side the Chuelo?

A. I believe immediately after day-break.

Q. With the exception of the artillery men sent in consequence of the report brought by Captain Whittingham to Sir Samuel Auchmuty, was this the first attempt made by General Whitelocke to communicate with the various other columns of the army, which, on the morning of the 5th, by his orders had penetrated into the town to attack the enemy?

A. Yes, it was.

Q. Was this the first attempt since day-break on the 5th to communicate with the corps under Colonel Mahon?

A. Certainly.

Q. With what force, as his escort, did Captain Whittingham proceed to perform this service?

A. Some mounted dragoons, and a small part of the 88th regiment.

Q. State the hour when Serjeant Hamilton, of the 17th light dragoons, brought a letter from the Spanish Commander to General Whitelecke, and by what means the Serjeant became possessed of that letter?

A. Between 11 and 12 o'clock. I understood the letter had been sent out with a flag of truce to the Plaza del Toros, and that it was forwarded from thence by Sir Samuel Auchmuty.

Here a copy of the letter was produced and read, as follows:

SIR,

With the same sentiment of humanity which has professedly guided you, I beg leave to state that, from the occurrences of the last evening, I am fully acquainted with your force. I have taken eighty officers, one thousand men, and have killed many more. To save therefore any further effusion of blood, I have to offer to your Excellency, that you shall re-embark with the remainder of your army, leaving Monte Video in our possession, and we will return all the prisoners now taken, and those which were before detained. If these proposals are not agreed to, I cannot answer for the safety of the prisoners, so much are the people incensed against the English. I take this opportunity of mentioning that three of my Aid-de-camps have been wounded, I send this by an English officer.

(Signed) ELIO.

Buenos Ayres, 5 o'clock.

Q. Was this letter the first information General Whitelocke received of the consequences attending the attack of the columns the preceding day?

A. I stated that there was a report from Sir Samuel Auchmuty on the preceding night, which I believe included all the columns of the left wing. I had no knowledge myself, till the arrival of that letter, of what had happened to the right wing, nor do I know that General Whitelocke possessed any.

Q. At what hour on the 6th was the letter sent from General Whitelocke by his Aide-de-camp, Captain Browne, proposing to the Spanish General a cessation of hostilities?

A. About 12 o'clock.

Here the letter was put in and read.

SIR, Head quarters, 12 o'clock.

I have to acknowledge the receipt of your letter, and you do me but justice in believing my sentiments in the cause of humanity. From the extent of the action, and the state of the wounded, I should propose a truce for four and twenty hours, the lines to remain as they now stand. As to surrendering, as the army now is, it is quite out of all question, having taken so many prisoners. I have to lament your Aide-de-camp's being wounded; but these are casualties which are unavoidable; and I have to remark to you in return, that my Aide-de-camp was fired at the whole of the way.

(Signed) WHITELOCKE.

Q. You have stated that, subsequent to the return of Captain Browne, General Whitelocke, leaving Lieutenant-colonel Bradford in the command of the column, proceeded with yourself and the other officers to the Plaza del Toros: was it therefore not until General Whitelocke had proposed a cessation of hostilities that he sought personally to join any operations of the troops under his command, who had marched at break of day on the preceding morning for the attack of the enemy in the town of Buenos Ayres?

A. He did not make any attempt personally till the period when the letter was sent; but hostilities did not at all cease for a considerable time after.

Q. At what hour did General Whitelocke reach the Plaza del Toros? With what escort did he go? And did he meet with any, and what, difficulties on his way thither?

A. About, or a little before, one o'clock there were, I think, two six-pounders, with their complement of artillery, sent to cover them, and a portion of the ninth dragoons dismounted. There was a little firing from behind the houses during the march, but it was not of consequence. I do not remember any other difficulty.

Q. Having stated as an argument against further hostilities, that in the event of Buenos Ayres having surrendered on the 8th, the remaining troops must be unable to controul such a mass of inhabitants, and to retain the points necessary to be occupied, state whether, in your opinion, the natural and immediate consequences of surrender would not have been the disarming of the inhabitants, and the establishment of a military police, so efficient and vigorous as to have prevented the insurrection of an unarmed people? And whether the liberal and kind treatment enjoined in his Majesty's instructions, would not have attached all orders of men to the British government?

Lieutenant-general Sir J. Moore.—"I do not think this is a proper question. It is matter of opinion, and cannot affect the judgment of the Court one way or other."

Judge Advocate.—"As General Gower has given an opinion on this subject already, and as I may have occasion hereafter to make remarks upon the opinions of several of the witnesses, I thought it desirable to have General Gower's reasons for the opinion he has given, from which at present I entirely dissent."

The question was then repeated.

A. From the immense extent of Buenos Ayres, I believe it would have been impossible to prevent the concealment of the greater proportion of the arms which were in the hands of the inhabitants. I believe the effect of a military police would have been trifling, as I am sure that no real good information could have been obtained which could have given much effect to the measures of that police. I am confident no conduct, however cautious, just, or humane it might have been, would have caused the inhabitants of that country to relinquish the power of attacking the British soldiers, whenever they might be inclined to do so; and I am confirmed in it from the unanimous opinion which all the Spaniards whom I ever spoke to had given both of General Beresford and Sir Samuel Auchmuty in their respective commands; and that it is an ascertained fact, that the people of Buenos Ayres had prepared mines under the barracks of the 71st regiment; and that no attachment or good will, on the part of the people on the other side the river, had been shewn to the government under Sir Samuel Auchmuty, though the people in both stations expressed, in the strongest terms possible, how much they were indebted to Generals Beresford and Auchmuty for their moderation and justice in their respective commands.

Q. Having stated that the station which General Whitelocke occupied on the morning of the 5th was for the purpose of receiving reports, explain what reports you meant in that statement.

A. Those which I supposed would be sent by each of the officers in command of the several columns.

Q. Do you mean the columns engaged in the attack?

A. I do.

A. Then how could General Whitelocke receive these reports at the Miserere, or at any other station, when no orders or notice had been given to the ge-

nerals or officers commanding brigades of the station where General Whitelocke was to be found during the 5th?

A. I conceived it to be the general custom of the service, that all officers entrusted with a particular branch of service should report the result, and I thought it probable they would do so.

Q. Having stated that, in answer to General Whitelocke's telling you that the spot where he was was a good place to remain till he collected his reports, and asking you whether you thought so; you said from its central situation, in the first instance, it was as good as any other, what do you mean by the expression, *in the first instance?*

A. That if these reports did not reach us in such an interval of time as I thought necessary to elapse before the officers could have sent them, then, had I been commanded, I should by staff officers, or personally, have endeavoured to open a communication with the corps.

Q. From the situation in which General Whitelocke was, could he perceive how soon the different columns received fire?

A. Certainly not. The houses intervened, and it was impossible.

Q. How soon did the fire of the enemy commence after the troops marched from their ground?

A. Very soon. Almost immediately.

Q. Was it the firing of cannon, of musquetry, or of both?

A. Of both.

Q. Was the firing violent?

A. Not at first; but it became more so afterwards.

Q. How long did it continue?

A. At intervals till dark.

Q. How soon, and when, did you perceive that all communication was cut off between the columns engaged in the attack and the reserve?

A. During the whole day any small parties would have been prevented from communicating with any of the points from the number of people in arms in every direction, but I have no reason to suppose that a proper party could not have opened a communication wherever it was attempted.

A. Did General Whitelocke make any such attempt, or consult you on the propriety of doing so on that day?

A. No other attempt than that which I have described that I know of. I do not recollect that he spoke to me on the subject till a little before he sent Captain Whittingham. As well as I can remember, both at that period, and when the artillery men were sent in the evening, I expressed my wish to be allowed to go; and I added, that even if there was a difficulty of communicating with the right columns, or with Colonel Mahon by land, I thought I might possibly do it by getting on board a man of war's boat at the Plaza del Toros, and effect it by water.

Q. What answer did General Whitelocke make to that proposal?

A. As well as I can remember, that he should send Captain Whittingham, and then he would decide what was to be done.

Q. Had you any other communication with General Whitelocke in the course of that day than that which you have stated?

A. I may have spoken to him occasionally, but on so unimportant subjects, that I am not able to state any of them at this distance of time.

Q. Is the Court then to understand that General Whitelocke did not consult you, as his second in command, on any occasion that day?

A. Certainly not beyond the points which I have already stated. I do not know what the acceptation of the word consult may mean, but nothing relating to the service was mentioned in the way of consultation, certainly nothing; but allow me to state, that a period of seven months has elapsed, and I have no minutes, nor did I ever think the subject would be investigated.

The Judge Advocate recapitulated the last three or four questions and answers, and then proceeded to say:

Q. Major-general Gower having stated that the troops marched at day-break to attack the enemy in the town; that the fire of the enemy commenced immediately after; that all communication was cut off between General Whitelocke and the columns engaged in the attack; that no information was received whether the troops were defeated or victorious; did he, or did he not, as second in command, hold any communication with General

Whitelocke, or receive any orders from him, other than those which he has already stated, having been expressly directed by General Whitelocke the day before to wait his orders, no information being received, except the report of Captain Whittingham, about three o'clock?

A. None that I can recollect.

Here the witness was about to relate the cause why the communications were not more frequent between him and General Whitelocke, when the Judge Advocate interfered, and said, that he had felt it his duty to put these questions to General Gower; and however he might differ in opinion with him on the grounds of his reasons why no further hostilities should be carried on, he took this opportunity distinctly to state, that he did not mean by these questions to make any reflections upon General Gower's conduct. What he sought for merely related to the charges against General Whitelocke, nor did he see how General Whitelocke was at all implicated.—Were you then ever consulted by General Whitelocke on the subject of attempting to open any communication with the different divisions of the army engaged in the attack?

A. I was not.

Adjourned until to-morrow.

NINETEENTH DAY.

TUESDAY, FEB. 23.

The Court being met pursuant to adjournment, the Judge Advocate said, that upon consideration he thought it necessary to put a question to General Gower, which at the time did not appear to be material, namely, "Whether the circumstances which caused so little communication between General Whitelocke and General Gower arose from any thing that General Whitelocke had said or done?"

Here General Whitelocke put a paper into the Judge Advocate's hand, which he read as follows:

"General Whitelocke would not object to the Judge Advocate asking any questions on subjects relating to the military operations of the army under his command; but General Whitelocke submits to the Court that, although he has hitherto carefully abstained from objecting to any questions connected with military arrangements, yet where subjects of a private nature are sought to be gone into, he puts himself upon the wisdom and liberality of the Court to determine whether such are admissible."

Judge Advocate.—"After what I have already stated, it is not necessary for me to go into any length of observation in answer to this objection. In putting this question now it is more for the advantage of General Whitelocke than it could be hereafter; because he will have the opportunity, in his cross-examination, to ask such questions, or make such animadversions upon it as he may think expedient. The practice of courts martial, and every other court of justice, as far as my experience goes, where an important question may occur in any stage of the proceedings, is to hand it up immediately to the Judge, who has never made the slightest difficulty in putting it. I might therefore, in the future stage of the examination, have this question put through the Court, when there could be no objection to it. In my opinion it is an important question for the Court to have answered; and should it turn out on the answer that the circumstances are unconnected with General Whitelocke, then the Court may preclude the witness from going further into the circumstances. But if it is connected with any thing General Whitelocke has said or done in the course of his military duty upon this expedition, I conceive it of the utmost importance that the whole of the transaction, or as much as relates to his conduct on that occasion, should be before the Court."

Lieutenant-general Sir John Moore.—"I do not object to the time of putting the question: my objection goes to putting the question at all."

Here the Court was ordered to be cleared, and after about twenty minutes deliberation, General Whitelocke's objection was over-ruled, and the question put as follows:

Q. Having stated that there were circumstances which caused so little communication between General Whitelocke and yourself during the 5th of July, did,

l not these circumstances arise from
hing General Whitelocke said or

They arose from what General
elocke had said.

State then what these things were
i General Whitelocke had said which
d so little communication between
nd you—the second in command.

Having consulted me on a specific
, upon which my opinion differed
his when he demanded it, he said I
throwing cold water upon every
he did; but that he would put me
test by a question, which was, whe-
all his acts, as an officer, in that
ry were not good? I replied that
ferierity of my situation prevented
om presuming to give an opinion of
utenant-general holding a commis-
is Commander in Chief. He then
ie considered me his declared ene-
and that he would supersede me
the situation I held as a staff officer
it army. After a reprimand so se-
I did not think myself at liberty to
se any thing, or act in any way but
edience to such commands as I
d receive.

When did this conversation take
?

On the 4th of July.

About what hour?

It was at the period that he spoke
e relative to summoning the town.
s in answer to a question upon that
ct. I do not recollect the hour.

Have you, or have you not, any
further to add in answer to this
ion?

There was another part of the con-
tion which I considered private. It
especting the opinion of a minister
is country as to myself, which I do
hink necessary to state.

examined by General Whitelocke.

Do you not recollect your Bri-
major, Lieutenant Cortly, being
to endeavour to join the right flank,
being unable to make his way pre-
to Captain Whittingham being sent
e left?

I do not recollect.

Were not the carbineers and the
light dragoons ordered to advance
about nine o'clock, and to endeavour to effect a communication with the centre column?—And where were the carbineers and the ninth light dragoons at the time of receiving that order?

A. I do not know that such an order was given.

Q. There appears in the evidence a little confusion as to the different posts of the reserve. State therefore the station of the different detachments and regiments composing the reserve, on the morning of the 5th; and state what alteration of their position occurred in the course of the day?

A. The carbineers were ordered, to the best of my recollection, to take up the ground of the piquets of the light brigade when they moved off. The four troops of the 9th light dragoons, dismounted, were ordered to alight on the right of the carbineers. The other four troops of the 9th were placed on the light ground near the Coral. One company of the 88th regiment remained to cover the hospital at head quarters; the detachment of the 17th attached to the Commissary-general, remained there also, as it was the depot for provisions. The small detachments of corps that were left to guard the parks, remained in the positions where their commanding officers had left them, near their respective positions. The artillery remained near the Coral. I did not know where the mounted dragoons were, their number was so small. I know of no other orders, except the order to charge the guns, which I have before described. The retreat which the carbineers were obliged to make in consequence of the pressure of the enemy's fire, eventually left them something in advance of the position from which they had moved in obedience to that order.

Here the order for the attack was read. (See Appendix, No. XI.)

Q. Was not a large portion of the 9th light dragoons with the carbineers in the attack to which you have alluded?

A. Yes; such as were in advance.

Q. Had not all firing ceased in the town before the evening closed; and were not the riflemen seen on the top of the church at the centre of the town a little before the end of the day?

A. All firing had ceased at the time,

and I heard a report made to General Whitelocke that the riflemen were seen in that position.

Q. State the distance of head quarters from the ground on which you had been during the day; and were not head quarters so situated as to afford facility of communication or acting as occasion might require?

A. Between four and five hundred yards, and I saw no degree of difficulty, by day, in communicating or acting from head quarters.

Q. Was it possible, considering the nature of the environs of the town, to attempt to move after dark? Or was it possible to send any officer to procure information, or open any communication during the night?

A. The whole of the environs were divided into squares, the faces of which were 140 yards. The multiplicity of roads, there being one road to each square, would certainly have rendered it a mere matter of accident if an officer should reach any given point to which he was ordered by night.

Q. Did not the head quarters constantly remain at White's house from the 3d; and was not the reserve stationed in the front of it, thereby indicating its being head quarters?

A. Yes.

Q. Was there not a more considerable opening in the front of our head quarters than in any other part of that neighbourhood?

A. There was a square immediately in front of head quarters, which, though marked out, was neither cultivated nor fenced. The whole of the Coral, till the entrance into the street, was also open. I take the liberty to add what I conceive to be the environs of the town: the whole of Buenos Ayres was laid out in streets at right angles; and from its increase of inhabitants, a considerable portion of ground was marked out for building, which was the cause of the number of squares that surrounded the town to a great extent, and which I considered as the environs.

Questioned by the Court.

Q. General Whitelocke having been informed that the enemy intended to defend the town by barricading the streets, and occupying the tops of the houses, do you know what induced General Whitelocke to order the troops to march with unloaded arms?

A. I do not.

Q. Do you know what number of tools were allotted to the troops for forcing open the houses, and breaking down the barricadoes in the streets?

A. I do not. I think they were distributed by the Quarter-master-general, Lieutenant-colonel Bourke.

Q. At the time Captain Whittingham brought the message from Sir Samuel Auchmuty, was it under consideration between General Whitelocke and yourself whether either of you should go to Sir Samuel Auchmuty's post and judge on the spot whether it would be advisable to give further assistance to that corps?

A. Not that I can recollect.

Q. Were any, and what wounded, brought to White's house in the night, or in the forenoon of the 5th, during the time General Whitelocke was there?

A. Several of the carbineers, and some of the 9th light dragoons, with a few artillerymen.

Questioned by Lord Cathcart.

Q. Was there any, and what period of the 5th of July, at which the position of General Whitelocke might have been changed to advantage?

A. I think it might, after the middle of the day, for by going to the Plaza del Toros, although it would have increased the distance from the light column, and Colonel Mahon, it would have afforded a possibility of communicating by water.

Q. Having given your opinion that the bombardment of the town would not have any effect, state your reasons for such a supposition, and whether it arose from an experiment made with a twenty-four pounder on the houses of Monte Video?

A. I believe I did not say that it would have no effect. I think I said, no *considerable effect*. To the rest of the question, *from an experiment made at Monte Video*, I say yes, in a great degree.

Q. Were you acquainted, on the morning of the 6th of July, that the admiral had embarked the heavy ordnance

ready for landing, and that the gun-boats were ready to cover such landing?

A. After my arrival at the Plaza del Toros, I saw the gun-boats close in shore. I do not know of any other ordnance ready to land, except the one 24-pounder which I saw on the beach. It was landed under cover of the high ground of the Plaza del Toros, and therefore did not want any assistance or cover from the gun-boats.

Q. At what period of the day on the 6th, was it communicated to General Whitelocke that General Craufurd and Lieutenant-colonel Duff had surrendered to the enemy?

A. I think it was asserted in General Liniers' letter. I did not feel that the fact was ascertained till I heard it from General Auchmuty, and he had derived his information from Captain Carrol of the 88th, who had come out with a flag of truce to that effect.

Q. Having been informed, and finding the information true, that the flat roofs were occupied, to the great annoyance of the troops, why was not an attempt made, at the commencement of the attack, to set fire to the houses, or was it ever suggested?

A. I believe it would be impossible to set fire to houses constructed as these were.

Q. Was General Whitelocke acquainted with the situation of Colonel Mahon's corps at the time he agreed to open a treaty with the Spanish General?

A. I am not sure; I think he was.

Q. What was the distance from the Plaza del Toros to the water side, where the 24-pounder was landed; and had you not then a communication from the Plaza del Toros with the shore?

A. About 300 yards. The communication there was principally open.

Q. Where was the main body of the army, and how stationed, in the evening of the 6th, and what distance from the Plaza del Toros?

A. I had not an opportunity of observing at that time, being in the fort with a flag of truce.

Q. Do you know whether any Spanish army was in the country which might have come in a few days to the assistance of Buenos Ayres?

A. I have understood that the whole population in that vicinity not engaged in the defence of the town was assembling to assist them.

Q. Might not the roads leading from the country to Buenos Ayres have been re-occupied by the British troops so as to prevent a supply of provisions being brought to the town?

A. It was impossible, with the number of British troops present before Buenos Ayres, from the extent of the town, to prevent or interdict any supplies that they might chuse to make.

Q. How many main roads are there, to your knowledge, leading from the country into the town?

A. The number is very considerable. To some distance from the squares before described, there are four or five which I know of. From a point in the rear of Mr. White's house, between that and the Chuelo, after the squares cease, how many there are in the neighbourhood of the Recolita I cannot so exactly tell.

Q. Was not the position of the army on the 6th, with the ordnance intended to be landed by Admiral Murray, such as could have resisted every effort of the Spanish forces?

A. I do not know what ordnance Admiral Murray had directed to be landed. I do not think on the 6th, that the enemy could have made any impression of consequence on the British forces.

Q. Is the Court to understand that you were made acquainted with the situation of Colonel Mahon's corps when you were first sent to treat with the enemy?

A. I do not exactly recollect whether Captain Whittingham had returned at that time or not. I think he had, and that he had reported that Colonel Mahon was on the march towards the Plaza del Toros.

Brigadier-general Sir Samuel Auchmuty called.

The third and fourth charges being read to him, he was directed to proceed in his narrative, from the morning of the 5th July to the close of the transactions at Buenos Ayres.

Sir Samuel Auchmuty.—Before the appointed hour for the attack, I visited the different divisions of my brigade, and

found them posted as directed the evening before by the Quarter-master-general. I then took my station on the right wing of the 87th, the centre regiment of my brigade. Having been directed to detach the 38th regiment, which was the only corps that was not divided, on the signal being made of a cannonading from the centre, we advanced without any opposition between one and two miles. There were two streets between the left wing and the 87th regiment, and the Plaza del Toros. I consequently expected to leave that post considerably to my left. The day had not sufficiently dawned to see any objects at a distance, nor had a shot been fired at us till we were suddenly assaulted by a discharge of grape from one or two guns (the latter I believe) in our front. Though the fire was extremely destructive, particularly on the grenadiers, the column still pushed on: and when a heavy fire of musquetry opened upon us from a building, which I afterwards found was the Plaza del Toros, and which contained about a thousand men, the column remained for some time exposed to this fire, still desirous to advance. The rear of the column now commenced a firing, which made the situation of those in front more dangerous, At length it began to hover and fall back. At this moment Lieutenant-colonel Butler, with the other officers, all of whom behaved with the utmost gallantry, exerted themselves to stop the men, and to induce them to follow me in an attempt to get into a garden on the right of the street, in which they succeeded, and we penetrated into the next parallel street to the right of the one we had left. In advancing along this street we found a deep water course running through the centre of it, which fortunately sheltered us from the fire of the Plaza del Toros, which was still very heavy. This street led us to the river, where we occupied a large house, and collected the remains of my column, as well as the left column of the right, which had also been led to the front of the Plaza del Toros, and which had suffered equally, if not more severely, than my right, and behaved with equal gallantry, having been obliged to pursue the same course, and to join us. During this service the regiments killed numbers of the enemy, and took about a hundred prisoners, with three field pieces. I now saw the colours of the 5th regiment planted on the tower of St. Catalina, which leaving me secure on my right, I sent detached parties to my rear to clear the houses on the heights which the enemy were firing from, and which looked down upon my post. During this service, I heard a firing on my left, which convinced me that the 38th regiment was approaching; and soon afterwards the heights in my rear were evacuated by the enemy. A communication with the 38th regiment was now practicable. I found that gallant and highly disciplined corps, under Major Nugent, well advanced in the attack of the Toros. When I joined them he was in possession of most of the enemy's artillery, and all their stores and buildings, except the Toros itself, which still kept up a very heavy fire; but Major Nugent had brought up a twelve-pounder, which was sheltered by the angle of a house, to bear close upon it. A detachment of the 87th invested it on the other side. Finding that the place must immediately surrender, and desirous that Major Nugent should have the honour of finishing what he had so judiciously begun, and anxious to examine the post occupied by the 5th, I left the tower immediately after, and about nine o'clock it surrendered, on which I returned and ordered the 87th into it. After making a few hasty arrangements, I proceeded through the streets to the convent of St. Catalina, and joined the right wing of the 6th. The left wing of that corps was advanced towards the 36th. Soon after my arrival, an officer came to me from Brigadier-general Lumley, acquainting me that the enemy were in force near him; that the left wing of the 88th, and he believed the right wing, were made prisoners, and he was desirous of receiving any orders I might give. I recommended to him, if he had not orders to the contrary from his superior officer, to remain at his post as long as he could with safety; but, if hard pressed, to fall back on the 5th, to whom I should give orders to place themselves under his command. I then acquainted the commanding officer of the 5th, that I should return to the Toros, to put that place in a state of defence, and should General Lumley join

him with the 36th, to inform the General that I wished the two regiments, if hard pressed by the enemy, and in danger of being surrounded, to join me at the Plaza del Toros, delaying as long as possible, that I might have time to make arrangements for its security. I found some difficulty in returning to the Toros, scattered parties of the enemy being in the streets, and firing from the houses. Early in the forenoon General Lumley joined me with the 5th and 36th, having met with much opposition from the enemy, in retiring from the posts they occupied, and which were considered as no longer tenable.

During all this time I was ignorant of the station or intentions of the General, nor could I venture with safety, as I had no cavalry, to detach a small party to report to him, had I even known his station. At length, about four o'clock, Captain Whittingham came to me from head quarters: he acquainted me that the General in Chief and General Gower were at the ground they before occupied; that the General was ignorant of the situation of any of the columns, and had sent him to procure what information he could. After detailing to him the occurrences of the day as far as I was acquainted with them, I desired him to assure the General that I was under no apprehensions for the safety of the post; that I had opened a communication with the shipping, but that I was in want of an artillery officer, and some men of that corps. I recommended to him, if the events on the right of the town permitted, to join me, and make my post his head quarters. Early in the evening I received a second message from the General, directing me to defend the post during the night, assuring me that he would communicate with me the next morning, and informing me that he had sent sixteen artillerymen to join me, but that there was no commissioned officer attached to these men. The next morning a letter from General Liniers, addressed to the Commander of the forces, was received at the out posts, and a message from that General, acquainting me that he should abstain from hostilities till twelve o'clock, waiting the General's answer, provided these hostilities ceased at the different posts. In reply I informed him I should send this letter with a flag to General Whitelocke, and should abstain from firing on the town, provided I should remain unmolested; but that I had no authority over the other parts of the army. By noon General Whitelocke and General Gower came to the Plaza del Toros, when the General was pleased to shew me the communication from General Liniers, and confidentially to ask my opinion about acceding to the terms it proposed. When I reflected on the unpleasant situation in which the army was placed; that all the light infantry and riflemen were prisoners; that upwards of half the troops originally engaged, were now either killed, wounded, or prisoners, exclusive of the 45th, who were shut up by the enemy; that the remainder were fatigued, without confidence, and exposed to the most inclement season of the year without blankets, great coats, or a change of necessaries, which at such a time must be productive of great sickness; when I reflected on the scattered state of the troops, and the probability that Colonel Mahon's detachment, the only unattached or unfatigued part of the army, or the troops left on the Miserere, by the General, might be spiritedly attacked by the whole force of the enemy; when I adverted to the difficulty of procuring ordnance stores, and provisions from the fleet, as none of the ships could approach within seven miles of the shore, and the river at that season so very tumultuous, and frequently not navigable; when I considered the loss which we must inevitably sustain if hostilities recommenced, from a people elated with their brilliant success; the difficulty of burning or destroying the town with our artillery (for the houses are all built of brick, with terraced roofs, no wood employed in their construction, and the bricks so soft, that the shot penetrated without shaking them); when I adverted to the difficulty of making a retreat, and that we must leave four thousand of our best troops in their possession; and to the danger that must succeed even the capture of the place, for our numbers would then have been totally unable to keep it; when I turned to the situation in which Monte Video was left, with a garrison unequal to maintain it, without advert-

ing at all to the inhabitants; without any hopes of a reinforcement, (for the troops which were expected from England were supposed to have borne away for the West Indies;) when I weighed all these circumstances, and was persuaded that Monte Video could only be maintained supposing the army could have effected their retreat; their provisions from the ships, or from the country, would certainly have been short; but more particularly when I called to mind the declaration of his Majesty's ministers, and their instructions to General Whitelocke, that the possession of the country could not be an object, unless it could be maintained by a force which I know by experience was very insufficient for that purpose, I had no hesitation in saying, that if better terms could not be obtained, and a period of six months given for the evacuation of Monte Video, with a facility to the merchants to dispose of their goods, it was my opinion they should be acceded to. The General immediately called to General Gower, and acquainted him that I was of the same opinion with them both, upon which Gen. Gower observed to me that he had objected to any answer being returned till the Plaza del Toros should be examined; but finding that the possession of it by no means insured, or even greatly facilitated the capture of the place, he thought it would be prudent to enter into negotiation. General Gower was then sent into the town, and returned in the evening, saying that a period of two months for the evacuation of Monte Video was positively insisted on, and he believed would not be rescinded. The General then determined to accept the terms, and a treaty was concluded, a copy of which I first saw on my return to England.

Examined by the Judge Advocate.

Q. Do you know the number of entrenching tools in possession of your column on the morning of the 5th of July?

A. I do not know of any.

Q. Can you state what number of artillery and artillerymen were attached to your column on the morning of the 5th, and how the soldiers of that corps were employed?

A. I had neither artillery nor artillerymen with me, nor do I know how the corps was employed further than the cannonading the streets as a signal to advance.

Q. You have stated that you received two messages from General Whitelocke in the course of the 5th; by whom were these messages conveyed?

A. The messages were given in a note from the General's secretary, and conveyed by a quarter-master of dragoons, if I recollect right.

Q. As you have stated that Captain Whittingham came to you about four o'clock, when you received for answer that General Whitelocke thought it expedient to comply with your recommendation to make the Plaza del Toros his head quarters, had he thought proper so to do, would he, or would he not have reached the Plaza del Toros soon after six o'clock on the 5th?

A. I really think he might.

Q. Do you know with what escort the quarter-master reached the Plaza del Toros?

A. He had sixteen artillerymen with him. I do not know what other escort, or whether he had any.

Q. How could Colonel Mahon's corps, with the troops of the Coral, be attacked by the whole force of the enemy if the British troops occupied the Plaza del Toros, and the Residencia?

A. I neither heard the firing nor the attack made on the 88th regiment, that were close to me in the rear of General Craufurd's brigade, both of which were closer to me than the troops under Colonel Mahon. The regiments I had with me at the Plaza del Toros had been so scattered and destroyed, I did not collect more than twelve hundred that night, which force was insufficient for detaching a force to the Residencia, which I understood was shut up.

Q. Whence did you derive your information as to the right flank, and their occupation of the Residencia, or that the Residencia was shut up in the course of the 6th?

A. I cannot call to mind when or how I heard of it.

Adjourned until to-morrow.

TWENTIETH DAY.

WEDNESDAY, FEB. 24.

The Court being assembled pursuant to adjournment, Brigadier-general Sir Samuel Auchmuty was called and further examined.

Sir Samuel Auchmuty.—" Before I proceed, I beg the indulgence of the Court to allow me to add to that part of my evidence of yesterday, where I had stated that I recommended to the Lieutenant-general, to join me at the Plaza del Toros, and make that position his head quarters, the words following; 'and not to hurry himself, as my post was secure, but to wait and know the events of the night, and the situation of the right wing.'"

Judge Advocate.—Let this be added to Sir Samuel Auchmuty's former evidence.

The order for the attack (as adverted to yesterday) was then read.

Q. Were these orders complied with, as far as related to the corps under your command?

A. They were complied with, as far as circumstances would permit.

Q. Did the troops proceed with unloaded arms?

A. They were unloaded as we advanced.

Q. You have stated, that in your report to General Whitelocke, through Captain Whittingham, you desired to have an artillery officer and some men sent to you, and that sixteen men were sent, but no officer. Do you know why the General did not send an officer with these men?

A. I do not recollect that any reason was given.

Q. You said, that among the reasons which induced you to enter into a negociation on the terms proposed by General Liniers, one was, that the troops were fatigued and without confidence. Explain what you meant by the term, *without confidence?*

A. The Court may more easily conceive than I can express, what I meant by the words want of confidence. The troops certainly were entirely without confidence at the time I am speaking of, many of them were speaking in terms highly improper, but which we could not take notice of. By want of confidence, I mean want of confidence in their general.

Q. Had your knowledge of this want of confidence of the troops in their general expressed in the manner you have described, a considerable share in deciding you to approve of the abandonment of those advantages which the troops had gained at Buenos Ayres, and also giving up the strong post of Monte Video?

A. It certainly had some share in inducing me to recommend the giving up of Monte Video. As to the advantages gained at Buenos Ayres, having purchased them so dearly, I cannot consider them as such.

Q. If, instead of that want of confidence, you had found the troops full of confidence in their general on the 6th, and that you had reason to think that well placed, should you have thought yourself justified in recommending the abandonment of Monte Video, under the circumstances in which you were then placed?

A. I should have hesitated much, but I still think I should.

Q. If Lieutenant-general Whitelocke's instructions were, not to abandon Monte Video except in case of necessity, are you of opinion that that case of necessity had arrived, in a military point of view, to justify the abandonment of Monte Video on the 6th July?

A. If General Whitelocke's orders were, not to abandon Monte Video, but in case of necessity, I do think, in a military view, that necessity had arrived, if better terms could not be obtained.

Q. Are you then of opinion that the British forces at Buenos Ayres, on the 6th, together with the garrison left at Monte Video, were not, in a military point of view, sufficient to retain the possession of Monte Video?

A. A much less number of men could have retained Monte Video, had they been then in garrison there.

Q. Is it your opinion that the garrison could not have been supplied with provisions, either from the country, or by means of the shipping?

I am most decidedly of opinion that the [illegible] could have been shut from them, and they must consequently have been supplied from the shipping, nor do I see why the shipping could not have come near enough to supply provisions to the garrison.

Q. How then must the shipping have been circumstanced to supply provisions to the [illegible]

[illegible]

[illegible] it [illegible] to have [illegible] provisions [illegible] shipping? [illegible] some difficulty might have attended, [illegible] have been [illegible] were more than sufficient Monte Video, [illegible] might have been supplied. [illegible] explain your meaning [illegible] had arrived, in a [illegible] view, for abandoning [illegible]

[illegible] was then before [illegible] the difficulty, the [illegible] of returning before a [illegible], and re-embarking, is [illegible], the necessity.

[illegible] Spanish force, remaining [illegible] on the 6th of July, [illegible] and defeat any force the [illegible] could have brought [illegible] of the town?

[illegible] them fairly in the open [illegible] only. When united [illegible] sufficient.

[illegible] British force, after the [illegible] of Mahon, in a military [illegible] able to maintain the possession [illegible] Plaza del Toros.

[illegible] ity it was.

And the meeting of the Spanish and the British troops fairly in the field, have been the necessary consequence of preventing any attempt made by the Spanish general to interrupt any movement which General Whitelocke might make for the purpose of retreat?

A. It certainly would not have been the necessary consequence.

Q. Would not Reduction have been a favourable point of retreat for the army, making the Chuelo the line of defence, and the point Quilmes the place of re-embarkation?

A. Had the army been obliged to retreat, I should suppose the point Quilmes, below the town, or the Courchas above the town, would have been the proper place for re-embarkation.

Q. Would not the consequence of adopting either of these places have been, either that the army could have been embarked without material loss, or that a general action might have taken place.

A. I think there would have been a very material loss, and I do not think a general action would have taken place.

Q. Explain the grounds of that opinion.

A. The enemy must have had it in their power to harass the retreat without hazarding a general action, but by attacking the rear square. The ships were seven miles from the shore, and the court will allow me to observe, and they well know the difference between a corps of five hundred men, sound in all its points, well fed, and well equipt, full of spirits, and of perfect confidence, and a corps of four or five hundred men in the state I have before described ours to have been.

Q. How near could the shipping, particularly the gun-brigs and boats, have come to point Quilmes?

A. I cannot precisely say. The gun-boats, I believe, might have come in close to the shore. The shipping lay down the river at some distance.

Q. Could not a rear guard have established themselves in the gun-boats?

Lord Cathcart. This is going into matter of opinion. The usual course of courts martial, and all other courts of justice, is not to go into matters of opinion, but to confine themselves to matters of fact. I have the most respect-

uthority for observing, that this is to examine facts, and apply facts to their own judgment.

ge Advocate. Early in these pro-gs, the court came to an unani- agreement, that they would admit ice upon questions of opinion as s upon questions of fact. I am nely anxious to obtain the opinion officer of such high rank and such ience as the witness; and if I am not o examine on these points, the will, of necessity, have to erase their proceedings all the opinions se several officers who have al- been examined.

on this the Court was cleared about half an hour. When we re-admitted, and the proceedings ed, the question had been over- and the witness was again ex- d.

Did you include, in the opinion ave in the treaty, any expression robation on the conduct which had ced the existing state of circum- s on the 6th July?

s question was objected to by Ge- Whitelocke.

lge Advocate.—" It appears by aper put into my hand, that the tion of General Whitelocke merely nts to an observation. He asks, the question apply to an opinion plan of attack, or generally to the ict of the Commander in Chief? first, General Whitelocke does bject to it; but, if the latter, he request permission of the Court to ." When I put the question, I t to apply it generally to the con- of the general during the whole of xpedition, and consequently in- g the plan of attack. I shall state particular grounds upon which I his question. It is, because I have n to understand, that the Court conceive that the opinions of of- which are grounded upon rank experience, and upon local know- , may give essential assistance in ng their judgment upon the whole s case. Upon this ground I have dy put questions to the other of- employed in this expedition, and this ground I now repeat the ques-

General Whitelocke then put in a paper, which was read by the Judge Advocate. It stated his objections to this question, on the grounds, not only of its being against law, and against justice, but as establishing a most injurious precedent. In courts of law it was not the practice to take questions of opinion, except on subjects of science, as, a man being wounded, a professional man may be called on to state the probable cause of such wound, or his opinion of its being properly treated; but questions of opinion, on the general conduct of any man, had never been known, excepting in the case of Lord George Sackville, where suggestions of opinion were admitted, under the very peculiar circumstances of the case. A witness should state merely what he saw, and what passed within his own knowledge; but it was for the Court to deduce the necessary inferences, and to form their conclusions. He trusted he should be enabled to prove that the opinions, already given, were founded in prejudice, for there were enough of witnesses who would rest their judgment or conclusions on the success or failure of any line of conduct. Different men may reason differently even on the same facts, therefore mere opinions should not be admitted in evidence of these facts. He therefore solemnly protested against this mode of examination, and trusted the Court would preserve its dignity and consistency. He entreated the Court to give a little consideration to the case of Lord Keppel, in which he begged leave to refer to the examination of Lord Mulgrave, who refused to answer the Court upon questions of opinion.

Here General Whitelocke presented to the Judge Advocate a volume containing the trial of Lord Keppel, and pointed out the examination he had alluded to, and which the Judge Advocate read throughout. From this it appeared that Lord Mulgrave was severely reprimanded by the Court for refusing to answer the question they had put to him.

Lieutenant-general Sir John Moore.—It appears to me that this comes to a very simple statement. At Monte Video Sir Samuel Auchmuty was asked his opinion by General Whitelocke, and he

gave it. Now we want to know the *fact* on which that opinion was grounded. It is a fact, not a question of opinion.

Judge Advocate.—I am not shaken in my judgment by any thing I have been reading to the Court. I do mean, most decidedly, with the approbation of the Court, to follow up this question, as well as others.

General Whitelocke.—As explained, I no longer object to the question being followed; but I object to the Judge Advocate asking the general grounds of an opinion hypothetically.

Judge Advocate.—The question in debate is not hypothetical.

The question was then repeated to the witness.

A. Certainly not.

Q. Was it, or was it not, your opinion, that the force which left Monte Video to engage in the expedition against Buenos Ayres, if differently conducted, would have been successful?

Judge Advocate.—I do not now mean to conceal that this is a matter of opinion, but founded on fact. I am ready to answer any objection, as I am asking the opinion of an officer who held a high station, and who has been on the spot, with the view to obtain such necessary and important information as may assist the Court in their judgment upon the fact.

General Garth.—I certainly object to this question, and still upon the grounds of its being matter of opinion, which the Court are not bound to go into.

Here the Court was again cleared, and after a deliberation of about twenty minutes, the witness was again called, and the question repeated.

Q. Was it, or was it not, your opinion, that the force which left Monte Video to engage in the expedition against Buenos Ayres, if differently conducted, would have proved successful?

A. Most certainly. In my opinion the force was fully sufficient for the reduction of Buenos Ayres.

Cross-examined by General Whitelocke.

Q. Considering all the circumstances, and the manner of attack, was not the station selected by myself and General Gower a proper one, or where would you, in such a case, have remained during the attack?

A. The station was certainly, as far as I can judge, a proper one, at the commencement of the attack.

Q. Should you have thought it judicious, safe, or proper, to have allowed the men to advance with loaded arms? and did you consider yourself restricted from loading when you arrived at your post, if loading should then become necessary?

A. I should certainly, with a principal part of an army, prefer marching through a town with unloaded arms; and I did not consider myself restricted from loading when it should become necessary.

Q. What number of inhabitants were there in Monte Video?

A. The population of Monte Video was estimated at 20,000; but certainly it contained no such number when I commanded. I should think the population might have been about 12 or 14,000.

Q. If Monte Video had been held by a garrison which must be supplied from the shipping with uncertainty and difficulty, must not all the original inhabitants have been sent away?

A. Undoubtedly.

Q. Would any point maintained by me, which must have exasperated the inhabitants, been of any advantage, or have facilitated hereafter the views of this country as to Spanish America, or would it not have had a contrary tendency?

A. It would not have been of any present advantage, nor would it have facilitated the views of this country, unless this country had determined to conquer Spanish America by force.

Q. Had you not stated to government, before my arrival at Monte Video, that it would, in your opinion, require a force of 15,000 men, and did your experience of the dispositions of the inhabitants, or any other circumstance, lead you to alter that opinion?

A. I stated to government, that to conquer and to keep that country, would require a force of 15,000 men. I have not since had any reason to alter that opinion.

Q. Had we any probable means of getting back the prisoners taken from us, and the 17th regiment, and other prisoners taken from General Beresford's regiment, according to the terms of relinquishing the Plata?

A. I know of no other means of recovering the prisoners taken under General Beresford, and I am very doubtful that any other measures could be adopted for the recovery of those taken in the attack.

Re-examined by the Judge Advocate.

Q. What were the number of prisoners taken by the brigade under your command?

A. About 700.

Q. In reply to a question put by General Whitelocke, whether the station occupied by him and General Gower was a proper one during the attack, you stated that the station was a proper one in the commencement of the attack. Was it, in your opinion, a proper station for General Whitelocke, Commander in Chief, to remain in stationary, from day-break until sun-set, during such a day, and under such circumstances, as those which passed within your knowledge during the 5th?

A. I am not sufficiently master of the disposition of the forces, of the situation of the country, or of the plans and intentions of the commander of the forces, to answer that question with decision.

Examined by the Court.

Q. What number of artillery were taken from the enemy, and of what calibres?

A. Thirty-two pieces of cannon, most of them field-pieces, and the calibres answering to 6 and 12 pounders: many of them were our own guns, which had been taken from General Beresford.

Q. In what state were the guns? Were they spiked; and what quantity of ammunition?

A. The guns were all spiked; however I was successful in clearing the touch-holes of some of them. There was abundance of ammunition.

Q. Were the 700 prisoners taken by you of that description which would have induced the Spaniards willingly to exchange with an equal number of British prisoners?

A. They were of the best description of their troops; but I am positively persuaded they would not have released them by an exchange of an equal number of our men.

Q. Might not the possession of Monte Video, with sufficient shipping to command the entrance of the Plata, have answered to facilitate other views of this country than the conquest of Spanish South America.

A. If by other views are meant views of facilitation, I think not.

Lieutenant-colonel Nugent sworn and examined.

Q. Had you the command of the 38th regiment on the 5th July.

A. I had.

Q. Did that regiment form part of the brigade under the command of Sir Samuel Auchmuty?

A. It did.

Q. State the operations of that regiment from the period you marched on by signal on the morning of the 5th, to the taking of the Plaza del Toros, and forming a junction with the corps under Sir Samuel Auchmuty.

A. I marched with the regiment from their cantonments by five o'clock on the morning of the 5th, to the place appointed to me by Sir Samuel Auchmuty, on a road leading to the church of Recolita, with my rear clear of the line to be occupied by the left column of the 87th. On the commencement of the cannonading, at half past six o'clock, we pushed forward, and in about twenty minutes reached a lane leading to the Plaza del Toros, and at the head of which was a large house, occupied by a detachment of the enemy, who kept up a sharp fire on the column as it approached. The door, however, we in a short time burst open, and the troops within were put to the bayonet. The enemy having a numerous artillery outside the Plaza del Toros, we endeavoured to obtain possession of it, but the destructive fire in all directions rendered it impracticable, and we lost a number of men in the attempt. I judged it expedient to get possession of

another large house which looked to the river, and was situated at the edge of the cliff, and which was at that time occupied by the enemy, in order to silence their guns, by being enabled to turn their right flank. Accordingly two companies were detached for that purpose, and having possessed themselves of the house, they sallied out by a back door, and charged the enemy in the fort and barracks of the Retiro, on the flag-staff of which we hoisted our colours, and from whence the enemy retreated, spiking all their guns but one 12 pounder, which we immediately turned upon the Plaza. The good effects of this was soon observable, as after a very few rounds numbers were seen to rush out, endeavouring to escape towards the town. Continuing the cannonade for some time, a white handkerchief was shewn by the enemy in the building, and about half past nine the remainder within, amounting to about 400 men, surrendered at discretion. In the course of half an hour afterwards we were joined by General Auchmuty, who, during the cannonade, ordered the 87th from their position, to relieve a company of the 88th, which I had placed in charge of the prisoners then in the Plaza, and sent that company to join their regiment, which was posted at different places, at the Retiro, and at the end of streets leading into the town. During the day General Lumley, with the 5th and 36th, joined us at our position.

The Honourable Major King sworn and examined.

Q. Did you command the left wing of the 5th regiment on the 5th July?

A. I did.

Q. State the operations of that wing, of which you had the command, during the attack on the town, till you rejoined Sir Samuel Auchmuty.

A. Having previously, on the evening of the 4th, received my orders from Sir Samuel Auchmuty, I formed the left wing of the 5th regiment, opposite the avenue appointed by him, and on the commencement of the cannonade in the centre of the columns advanced, reaching the entrance of a street, I ordered the front rank of the leading section to come to the charge. We advanced at a quick pace down the street; the enemy, on our advance, abandoned four pieces of cannon, with which they had been apparently retiring on the left. It was soon ascertained that they had spiked the guns and shot the horses previous to their abandonment. The column reached the river without opposition; I then looked about to observe what houses were proper to take possession of according to the plan of attack. I retired from the column about fifty paces for that purpose, but the fire then commencing, I thought it necessary to load, and then broke into a house, of the top of which we took possession, and displayed the regimental colours of the 5th. I then detached parties to take possession of different houses, and of a church near. By this time a very galling fire commenced from the Plaza del Toros, which commanded the house where I had taken station. Between nine and ten o'clock the firing from the Plaza ceased, and the British colours were hoisted on it. Having remained till near 12 o'clock, some of the men pointed out French colours on a house to the right, expressing a wish to take them, and as I had received no orders during that period, I left a serjeant and twelve men to guard the prisoners, many of whom were brought to me by detached parties, as well as to protect the wounded. I then advanced to the right, but received so heavy a fire, that I thought it necessary to break open a door on the left, into the court yard of which I had the wounded men brought. I then proceeded to attempt the house where the French flag was flying. On advancing we sustained such loss, that I found it necessary to retire to the house I had previously broken open.

Adjourned until to-morrow.

TWENTY-FIRST DAY.

THURSDAY, FEBRUARY 25.

The Court being met, pursuant to adjournment, the Honourable Major King was again called in, and his evidence of the preceding day being read

er by the Deputy Judge Advocate, resumed his narrative.

returning to the court-yard of this ; I sent an officer with the wounded e place where I had left the surgeon. sent by him a request for a reinment from Colonel Davie, and was l by a few more men. At the same I received a message from Brigaeneral Lumley, stating that I co- his right. The men still expressing ardour to attack the house that disd the French flag, I advanced, but g the offensive and defensive means e enemy so much superior to mine, notwithstanding my supposing, from ircumstance of the flag, that it was ied by some officer important to nemy, I was again obliged to retire e court-yard I had possessed myself The enemy had two pieces of cant the upper end of the street, which were prevented from working by re of our musketry. The tops of ouses were completely occupied e enemy, and it was in their power estroy our men with very little r to themselves, as it only occaly happened that we could fire with when their heads were seen over arapet. Added to this, the diffir of breaking open the houses was nely great. Any attempt to get he beforementioned house proved ther ineffectual, and as the enemy cut me off by superior numbers ained in the court-yard till we sent e wounded. I then retired to a where I found a detachment of 6th, and shortly after Captain of the 5th informed me that a of the enemy was advancing from pper end of the street. I formed en with an intention of advancing rge, but on approaching I observ- officer with a white handkerchief hand. I therefore ordered my to halt, remaining ready at the e, my front extending across the By this time the enemy was lose: I advanced to the officer, had also halted, and from whom I stood that he surrendered himself is party prisoners of war: I desirem to lay down their arms, and to e this order seized wo or three of their firelocks and threw them on the ground, still observing that the enemy accumulated in numbers, and were menacing my party by flourishing their swords. Just at that moment one of them presented at me, when one of the 5th started forward and made a thrust with his bayonet at the officer to whom I was speaking, who evaded injury by starting aside. Seeing now that they did not lay down their arms, I judged it best to demand his sword, which he instantly gave me; but the officer who carried the colours, at that moment, informed me that the enemy had attempted to seize them, I gave the word to charge, and the enemy turned and ran away, leaving a few killed behind them. After this nothing material occurred. We proceeded, according to my orders, to break open the houses, and while on this service I received an order from General Lumley to retire to the Plaza del Toros, and form a junction with the right wing of the 5th. The order was immediately obeyed, and about three o'clock I entered the Plaza del Toros.

Q. What number of intrenching tools, or other instruments proper for the purpose of breaking open houses, had your wing, in point of fact?

A. I cannot exactly remember, but we had some.

Q. What sort of tools were they?

A. To the best of my recollection, some of them were the regimental pioneers' tools, a crow-bar and a mattock or two which we found in the suburbs of Buenos Ayres.

Lieutenant-colonel Davie sworn and examined.

Q. Did you command the 5th regiment on the 5th July?

A. I did.

Q. State the operations of the wing under your command, from the period of marching on to the attack, to the time of your junction with Brigadier-general Sir Samuel Auchmuty, at the Plaza del Toros.

A. The right column, under my command, proceeded at half past six o'clock in the morning of the 5th, down the street that had been appointed to us the evening before by Sir Samuel Auchmuty, and we arrived at the banks of the river

at half past seven without the slightest opposition. I immediately hoisted the king's colours on the tops of houses in the square nearest the river, or the different angles of intersecting streets, and shortly after, in conjunction with two companies of the left wing, I took possession of the church of St. Catalina, from the tower of which I could observe, at about nine o'clock, the white flag hoisted on the Plaza del Toros. Captain Brook, assistant quarter-master-general, by that time joined me, and informed me of the capture of the Retiro. I proceeded along the strand to receive orders from Sir Samuel Auchmuty, who came to the church about 11 o'clock, and after making his observations upon the tower, he gave me orders to retain the position I then held, or, if too much pressed by the enemy, to retire to him at the Plaza del Toros. About one o'clock I received a message from General Lumley, by a serjeant of the 36th, to request me to advance to support him on the right. I immediately proceeded with three companies, and on joining him found the 36th had received orders to retire. Two companies of the left wing, under the honourable Major King, then joined me, and we retired along the strand in the rear of the 36th, and arrived at the Toros about half past two o'clock.

Brigadier-general the Honourable William Lumley again called and examined.

Q. Did you lead the right wing of the 36th regiment, which formed a part of the brigade under your command, which brigade was composed of the 36th and 88th regiments, on the day of the attack upon the town of Buenos Ayres?

A. I did.

Q. State the operations of the right wing, which you led, from the commencement of the attack, to the period of forming a junction with the corps under Sir Samuel Auchmuty, and what comes within your knowledge, of the operations of the other wings of the brigade?

A. About six o'clock in the morning of the 5th, the two regiments composing my brigade were formed, having left their packs and great coats in their cantonments, under a good guard, as directed by the previous orders we had received. The 88th were in two columns, with the heads of each to the road, down which they were to proceed, and the 36th were in one column, in readiness to move in the direction in which I intended to lead them myself, until I could ascertain the two nearest parallel roads to those down which the 88th were to march, I having given orders to Colonel Duff and Major Vandeleur commanding the two before-mentioned columns of the 88th, to move slowly, but not to advance beyond their outposts till the signal guns were fired. They were then to push rapidly on, and penetrate as far as possible to the river, or to post themselves as far in advance as they could, taking possession of any church or large house or houses which they might be afterwards best able to maintain and defend. Accompanied by Lieutenant-colonel Stewart, the deputy Adjutant-general, on General Craufurd's expedition, and Captain Watson, of the artillery, who had served in the capture of Monte Video, but was now on the establishment of the Cape, both of whom being, at that time, unemployed, had volunteered their services with me on landing, and to whose zealous and active assistance, together with that of Brigade-major Roche, I shall ever feel myself highly obliged, I proceeded in an oblique direction with the 36th, till I again came on the road which appeared to me to lead directly into the town. I soon after detached the left wing of the 36th, under the command of Captain Cross, still further to the left, to move in a direction parallel to the right wing, on the first road he could turn into, that would enable him to do so, and with the same orders I had previously given to Lieutenant-colonel Duff and Major Vandeleur. About this time the signal guns were fired, and the day began to dawn. I can now speak only of the movements of the right wing under Lieutenant-colonel Bourne, which the necessity of ascertaining the direction of the roads had placed me with. I then proceeded as rapidly as the extremely broken up state of the roads would suffer us, and soon after our entering the street a partial fire of musketry commenced upon us in

us directions. We however suc-
:d in pushing our way to the last
street connected with the river.
pick-axes which had been delivered
e columns proved useless in break-
pen the doors and windows, which
throughout this town amazingly
g and heavy; but, by the united
s of the soldiery, we at length
d an entrance into some few houses
lel with and nearest to the river.
of these houses was large and high,
ituated between the last street and
each, and in this I directed the co-
of the 36th to be planted as a sig-
nd encouragement to the other co-
s of the brigade, and also to such
parties of the army as might ob-
it. The cross street, in the rear
y position, was now enfiladed by two
from that part of the square im-
ately under the fort, as also by
guns in the fort itself. The fire of
of these guns was generally direct-
ith great precision and effect against
large house before-mentioned, and
nstant and heavy fire of musketry
poured upon us, without our being
ely able to discover the directions
which it came, so completely did
arapets conceal the assailants. We
thus situated for some time, till at
h six men of the 88th, and some
adiers of the 36th, who had made
way over the tops of some houses
intervened between us and a po-
from which they were obliged to
, arrived, and reported that almost
vhole of the 88th were taken pri-
rs. This intelligence was soon after
rmed by Colonel Eglio, a Spanish
er, who came to me with a flag of
, and affirmed that above 1000 of
men were already prisoners, and
osed to me to surrender. This I
mptorily refused, and almost imme-
ly after it was reported to me that
guns were advancing along the
h, no doubt, for the purpose of tak-
us in front. My anxiety was now
great to ascertain the situation of
Samuel Auchmuty, whom I had ex-
ed to be on my left, and Captain
son offered to endeavour to find his
ition for me. All opposition to the
ny had by this time ceased on the
of the 88th, and the fire of both
artillery and musketry was directed
against the 36th. An attempt was also
now made to bring forward two guns
into the very street, down which I had
marched, and at the end of which I now
stood. Though at some distance from
me, this measure would have completely
enfiladed my position in the rear, as the
guns on the beach were intended to do
in front. About this period I ordered up
the left wing of the 36th, and nearly at
the same time Major King, of the 5th,
by good chance, appeared with the left
wing of his regiment in my rear, at the
further end of the street, and in the very
moment when the enemy had assembled
in great numbers, and were dragging
forward the two cannon before-men-
tioned; but the gallant resistance he op-
posed to these, enabled him to get pos-
session of the guns for a short time. I
believe, indeed, that even had the ne-
cessity for self-defence urged us to fire
before this period, the contest would have
been very unequal from the first, op-
posed, as we were, not only by a nume-
rous artillery, but a shower of musketry
from every direction. I now sent to
Lieuteuant-colonel Davie, of the 5th, to
recommend his advancing to the sup-
port of the left wing of his regiment.
Two Spanish officers had again come out
to propose a surrender, but as their man-
ners were rude and uncourteous, I re-
commended them to retire without de-
lay. Colonel Eglio soon afterwards
again appeared, and advanced towards
me, with authority from General Liniers,
to require our unconditional surrender
within a quarter of an hour, and I was
again peremptory in my refusal. At
the time of these discussions a total ces-
sation of firing had apparently taken
place in every other part of the town,
from which circumstance I concluded
that the troops under General Craufurd
were either taken prisoners or had been
obliged to retire. Numbers of the
enemy, during this conference with the
Spanish officers, seemed intoxicated
either with liquor or their success, or
perhaps with both, and frequently rushed
forward with the design of taking pri-
soners, or of putting our men to confu-
sion, but their temerity often proved
fatal to them. The guns had also ad-
vanced from the beach, and were co-

not reach our quarters till eleven or twelve o'clock at night. The meat was ready for the men in their quarters, but having to light their fires and to cook it, it was reported to me that it was near two o'clock in the morning before they had any thing to eat; after which the usual quantity of wine was served to them.

Q. What provisions had they on the 5th.

A. To the best of my recollection, when we joined General Auchmuty at the Plaza del Toros, they got some.

Q. State the casualties of the 36th on the 5th.

A. From what I first could learn, there were two officers and twenty-four rank and file killed. I afterwards found there were nine officers killed, three wounded, and sixty rank and file killed. It was afterwards ascertained there were a great many more.

Q. What do you think was the strength of the enemy protecting the guns which you charged, and what was the strength of the detachment with which you took them?

A. I cannot speak positively, but there might have been three or four hundred of the enemy; my party amounted to fifty men, or thereabouts: I do not think I had more.

Lieutenant-Colonel Alexander Duff sworn and examined.

Q. Did you command the right wing of the 88th regiment on the morning of the attack?

A. I did.

Q. State the operations of the wing under your command on that day?

A. I think it necessary to state to the Court, that on the morning of the 5th I conceived myself so weak, that I did not think I could att in my point. The regiment under my command might, indeed, be called a mere detachment. I sent, therefore, to head quarters to request that two or three of the companies that were there might be sent to strengthen me. They were sent accordingly, but, to my utter astonishment, just as I was moving off, I found that these companies were without flints! Observing this, I interrogated Major Ironmonger, who had the command of these companies, and directed him to give me some reason for their appearing in this manner. He intimated to me that Gen. Gower had directed him to take the flints out. I immediately ordered him to get flints from such other companies as could spare them; but, I am sorry to say, the whole of them could not be provided, and Major Vandeleur, who commanded the left wing of the regiment, reported to me that two men actually fell in the streets in the act of putting in their flints. We advanced to the attack; but it may be necessary for me to state, that I had so bad an opinion of it in my own mind, that I left my colours at head quarters lest they should be taken. According to the spirit of the order of assault which I had received, I advanced my battalion in two wings, each consisting of about two hundred and twenty-five rank and file. I directed Major Vandeleur to lead his wing to the spot that General Lumley ordered me to penetrate to, as near to the principal advance of the enemy as he possibly could. After giving him these orders, I led my own wing to a church which I had been directed by General Lumley to take possession of. I met neither opposition, nor sustained any fire till I entered by the gate-way of the church, when the enemy commenced a tremendous fire of musketry from the opposite house. Having lost nearly thirty men in this gateway, and finding the impracticability of breaking open the church-door with the instruments that were given me, I deemed it prudent to leave this situation, and to penetrate further into the town, in the hope of gaining a more advantageous position. On leaving this gateway, we were assailed by a continual fire; but we pushed through the street till I concluded that we were near the citadel. Finding I had lost so many men in the streets; my four grenadier officers being wounded; the major, the adjutant, and assistant surgeon, being killed, and having lost, in killed and wounded, from eighty to one hundred rank and file out of my small column, I defiled my left, and took possession of three houses. On the tops of two of these houses I formed my men agreeably to the spirit of the

orders I had received. Having maintained this position about four hours, finding I continued to lose a considerable number of my men, two more of my officers being wounded, the enemy firing on me from all directions, and hearing no fire on my left, which made me conclude that the left must have retired, and I could have no chance of receiving their support, I assembled the officers, and taking their opinion on the subject, I deemed it most prudent to accept the enemy's terms of surrender on the proviso that we should be treated as we ought to be. On being marched prisoners into the citadel, I rejoiced to find I had adopted a measure which saved the lives of my remaining men, as I then discovered that I was surrounded on all sides by at least three or four thousand of the inhabitants, troops, and armed people. On entering the citadel I found that Major Vandeleur had also been obliged to surrender about half an hour before me, as far as I can recollect; but of the whole of this small detachment (for I can scarcely call it a regiment) I lost about 220 rank and file, and seventeen officers in killed and wounded.

Q. At what hour, as well as you can recollect, did you surrender?

A. About ten minutes before twelve o'clock.

Q. From the period of your marching to the attack, till the time of the surrender, did you, or did you not, receive any orders from, or communicate in any way with, General Whitelocke?

A. I did not; and in my mind it would have been hardly possible for any officer to have communicated with me, as I was in every way hemmed in. Any officer must, I think, have been killed in the attempt.

Sir John Moore.—At that rate no officer could receive orders during any action.

Q. If you had had the means of reporting your situation to General Whitelocke previous to your surrender, should you have known, from any orders you had received, where he was to have been found that day?

A. No, but I conceive I should have sent to him to the Miserare, according to my own idea.

Cross-examined by Lieutenant-general Whitelocke.

Q. Should you not have reported, as matter of course, to head quarters, if you could not have reported to your Brigadier-general?

A. Certainly.

Examined by the Court.

Q. What had been done with the flints which were taken out at head quarters; were they not put by in the pouches, and had not the men also spare flints?

A. If they had obeyed my orders they ought to have had spare flints. I cannot say what was done with these flints.

Q. State when the flints were taken out, and whether you know if General Whitelocke had any knowledge of it?

A. Major Ironmonger stated to me, that when the company were about to march from head quarters, General Gower directed him to take out the flints of the two companies on the morning of the assault; but I cannot say that it was done by the direction of General Whitelocke. I should rather think not.

Q. You said that you would have reported, of course, to head quarters, if you were not enabled to have reported to your own brigadier-general. Do you then suppose that when an army is advanced into action the Commander in Chief is always to be found in the rear or at head quarters?

A. My reason for reporting to head quarters must have been, because I had left one company posted there; from which circumstance I concluded that the Lieutenant-general was to be found there.

Major Richard Vandeleur sworn and examined.

Q. Did you command the left wing of the 88th regiment on the day of the attack?

A. Yes, I did.

Q. State the operations of that wing from the period of your separation from the right, until the time you were compelled to surrender.

A. About five o'clock on the morning of the 5th, Lieutenant-colonel Duff de-

sired me to move the three companies, which then formed one half of the regiment, to General Lumley's house, which was about one hundred yards distant from the regiment, and to report my arrival and the column being under arms; which order I executed shortly after, when another company joined me. In about half an hour afterwards General Lumley desired me to move in front as far as the advance post, and there to wait until the signal guns were fired. I asked him if he had any particular orders to give me: he asked me if I had read the detail already given; which was that I was to penetrate through the street to the water's edge, or at least as far as I might be able, and there to lodge myself to the best advantage, but particularly to allow no firing. I requested him to give me some information relative to the mode of defence of the enemy, or what opposition I was likely to meet. He replied that he knew no more than I did, but that it was particularly necessary I should if possible gain the bottom of the street.

Adjourned until to-morrow.

TWENTY-SECOND DAY.

FRIDAY, FEBRUARY 26.

The Court being met pursuant to adjournment, General Cuyler, one of the members of the court, was excused from further attendance on account of indisposition.

The Judge Advocate informed the Court, that Brigadier-General Lumley was in attendance, and hoped their permission to amend an error in his statement of the preceding day.

Brigadier-General Lumley was accordingly admitted, and proceeded to state the following.

In my evidence of yesterday, I committed an error which I was not then aware of; but I beg leave to observe, it is by no means my wish to make the situation of my brigade appear more distressing than it really was. In my reply to a question of the Court, I stated that my brigade had been almost four days without meals. As far as relates to the 88th regiment this statement was, I believe, perfectly correct. I also know, that as late as eight or nine o'clock on the night of the 4th, the 36th had not had any meat either on that or the two preceding days, as they had been detained at the outposts much beyond the expected time. Some time after, the 38th had been sent from thence to their cantonments; I was not aware of what I now believe to have been the case, that that regiment had cooked provisions during the night. On my arrival at the Retiro, I no longer commanded any particular brigade, as I was specially ordered by Sir Samuel Auchmuty to take the superintendance of the outposts, assisted by the officer of the day: a duty of such serious importance as required my utmost vigilance. After that time, Sir Samuel Auchmuty himself gave directions for provisioning the troops.

Major Vandeleur called and further examined.

Judge Advocate.—Proceed in your narrative from your detail of yesterday.

A. On the arrival of the column at the advance post, I divided it into sections with seven file in front, being the utmost space they could then occupy. I directed Captain Cheswell to take the command of the rear section, and act according to circumstances. About half past six o'clock, one of our dragoons came to me with orders from General Lumley to move down the street directly in our front. I ordered the column to advance, and on proceeding a little way down the street, I saw two of the enemy's vedettes. As I approached, they retired down the street, occasionally looking up, as if speaking to people in the windows and tops of the houses; and on my arrival about one-third down the street, a fire was opened upon me from both stations. I immediately ordered the column to advance in double quick time, which was peremptorily executed, and answered by the men in cheering. As we advanced through the streets, we still continued to be assailed from the houses on both sides with musketry, hand gre-

s, brick-bats, and all sorts of combles. When we arrived at the large re, we found a breast-work had thrown up directly across, comd of bags of hides filled with earth. ascended this breast-work, and de-ded on the other side into a ditch t six feet deep and twelve feet wide, rise cut entirely across the street; ut of this I hurried the men as fast ssible, the four corner houses being pied by the enemy, and it being ed with cannon in the grand square. getting out of this ditch, I found the t terminated in a gentle descent to the river, and ran in front of the ern face of the citadel, whence enemy instantly commenced a fire ne. With the assistance of some , I now endeavoured to force my nce into the right corner houses at bottom, and with the butt end of firelocks they with difficulty suced in breaking the door, which on g opened admitted us into a small re, consisting of four small habitaof one room each. I also directed ouse at the opposite side to be broken ; and being excessively galled by fire, I ordered the men to shelter iselves as well as they could, and out to them the encouragement we should soon be supported. I avoured to get men on the roof of irst house to the right of the street h we occupied. There was a paravall built round the top of it, but I found it wholly impracticable to oc-r the position on the other side; parapet was possessed by the enemy, every man that attempted to gain roof was knocked down. Some of men had got possession of the oppohouse on the left of the street, but it g higher than that I occupied, it was ised to the fire from the citadel, h soon obliged them to retire. The ny then brought down a field-piece the grand square to the ditch, and e of our men, who lay concealed e, firing on them, they immediately doned the gun, but quickly returned fired it. Our men returning the fire again retreated, and I was informed Captain Cheswell, who was in the , that they had left three killed. his time I had occupied some houses on the right, but two of them being entirely invested by the enemy, I was obliged to collect all the wounded and other men into one place. We maintained our position till about a quarter past eleven o'clock, when I thought it best to consult with the officers on what ought to be done. There was no appearance of any of our own forces; no firing was heard, but that directed against us: we had but few men left, and a retreat appeared wholly impracticable; officers and men were lying about wounded: and I thought, surrounded by these circumstances, it would be a breach of humanity to hold out longer. We therefore agreed to enter into a parley with the enemy, and I directed a white handkerchief to be held up. A Spanish officer immediately jumped up from behind the parapet of a house top, and it was interpreted to him by Captain Carrol that we were willing to surrender on terms. He immediately asked what terms, to which I replied, that we only required quarters to take care of the wounded. He immediately put his hand on his breast, and replied that they were Spaniards, and always treated their prisoners with humanity. Upon these terms we agreed, and I surrendered my sword: upon which an immense number of the enemy appeared on the tops of the houses where they had lain concealed. They received the arms of the men, after which the officers were conducted to the citadel, and the men to separate prisons.

Brigadier-General Craufurd again called and examined.

Q. Continue your narrative from the period at which it was broken off on the close of the 4th July to the time of your surrender.

A. The written disposition I received of the attack on the town directed me that my brigade should enter it on the right, and move to the centre in two columns. The left column to consist of five companies of the light battalion, and four of the 95th, making about 600 rank and file; the right column to consist of four companies of each, making about 540 rank and file: the left column to

receive orders from Lieutenant-colonel Pack, the right from myself. We were directed to penetrate, if possible, quite down to the river, and there to occupy any of the high places as near as possible to the centre of the town. The brigade being formed early in the morning, in the two roads which had been appointed the two columns to enter, the moment the signal gun was fired, I began to advance with the column under my command; supposing the enemy, as had been reported on the 4th, to have concentrated their principal forces in a position forming a square, having within it the market place, and on the eastern side the fort. As we entered the town on our right of this position, the left column of my brigade, under Lieutenant-colonel Pack, was of course the nearest to the southern face of the enemy, and came first into action. Myself with the right column passed quite through the town, and arrived at the beach without meeting any obstacle, or seeing any thing but small straggling parties of the enemy. When I arrived on the beach, I saw the south-east bastion of the fort at the distance of about 450 yards; and being of opinion, that by remaining where I then was, I should not have followed the object of the disposition, I determined to advance on the fort, as I knew the 45th were directed by the written disposition to enter the town by the two streets directly on my right. That regiment was not placed under my orders; the disposition did not state that it was to go to the Residencia, nor had I been informed that Colonel Guard had received any orders to that effect. I supposed, therefore, that the 45th, at the time I had determined to advance along the beach towards the fort, was at that time close on my right. I sent my Brigade-major, Campbell, to order Colonel Guard to advance in the same direction with the 45th regiment, by the street that was nearest and parallel to the beach. I had not gone far when I met Lieutenant-colonel Pack, who had already made a very vigorous but unsuccessful attempt, to penetrate through the enemy's principal position; and from what Colonel Pack had seen, and from his general knowledge of the town, he was induced to recommend me to go to the Residencia, which is on the extreme skirt on the south side the town. It was then between seven and eight o'clock in the morning; and although I had the greatest possible confidence in Colonel Pack as an officer, I did not think I should have been justified in retreating at that early hour to the Residencia, though at that time I certainly could have effected it without any difficulty or loss whatever. This conversation passed close by the convent of St. Domingo, as Colonel Pack ascertained it to me to be; and I observed to him it was one of the posts it was intended I should occupy. At this time Lieutenant-colonel Guard joined us with the grenadier company of the 45th, and I determined immediately to take possession of this post, and occupy it in the hope that the success of some other attack might enable me to advance still further. In this I was confirmed by the opinion of that brave but unfortunate officer, Major Trotter; but I little thought, when I thus acted to the best of my judgment and of my orders, that I should have been abandoned without any effort being made to communicate with me. I had been directed to take certain posts, and there to wait for further orders, and this post was one of them. Immediately after we gained possession of the building, which was very close to the enemy's main position, a considerable fire was directed from the surrounding houses against all those parts of it from which we could annoy the enemy, and the roof of it not being flat, it was consequently much less disadvantageous than the buildings of the town generally were. Till twelve o'clock I had no reason to suppose that any considerable disaster had befallen any part of our army, and when about that time a Spanish officer with a flag of truce approached the convent, I flattered myself that the other columns had established themselves as near to the enemy's position as I had; that General Liniers had judged it expedient to capitulate, and that it was for the purpose of communicating such intention to the Commander in Chief through me, that he had sent this officer. When however he came into the court-yard of the convent, he informed me that the 88th regiment, and some other corps which he did not spe-

were taken prisoners; that all our
ts had failed, and that he was
ed by General Liniers to summon
) surrender. This I peremptorily
ed, and the officer went away with-
monstrance or any further conver-
passing. This circumstance, to-
r with my having been four hours
s post, without any one coming
or any information or assistance,
me think the situation not an ad-
e one to remain in. I therefore
mined to avail myself of the first
rable moment to extricate myself
it; conceiving the best time would
ien the enemy approached in great
ers in the streets, and we, by mix-
ith them, might render less effectual
re from the surrounding houses,
were now completely occupied.
ern twelve and one o'clock, a con-
ible column came into the street on
e.st side of the convent, apparently
he design to seize a three pounder,
the narrowness of the entrance
revented us bringing in. I imme-
y ordered all the rifle corps from
fferent stations in the building, and
rdered to be taken down the colours
71st, which we had found on our
ntrance into the convent, and had
yed on the top of it. While I was
preparing to evacuate the post, the
y were on the point of seizing the
but were attacked with such vigour
ravery by the grenadier company
45th, headed by Colonel Guard
small party of light infantry with
r Trotter, that they were compel
give way. But the fire from the
s close to the convent was so
, that about forty men of the 45th
killed or wounded in the course of
or three minutes: Major Trotter
lso killed: and finding the impossi-
of effecting any thing, I ordered
emainder to retire back into the
nt, which we continued to defend
out half past three o'clock. After
tempt to evacuate, which I have
described, I was fully convinced
ere unable to extricate ourselves
ny effort, and soon after this the
ceased in all parts of the town,
s none of our troops came near us,
cluded of course that the attack
generally failed. About half past
three o'clock, I assembled the field officers, Colonel Pack, Colonel Guard, and Major Macleod, who commanded the detachment of the artillery corps. I told them, that in my opinion to retreat was utterly impossible; that it was completely in the power of the enemy to annihilate the remainder of the brigade, as being then in the very heart of the town with only six hundred men. It appeared clear to me, that all the rest of the army had been obliged to retreat, and in these circumstances, after waiting eight hours on the post I had been ordered to occupy, in expectation of other orders which I had been taught to believe I should receive, I did not think that the sacrifice of the remainder of the men, could either conduce to the honour of his Majesty's arms, or prove in any way advantageous. I added, that though I might deem myself justified in acting upon my own opinion only, yet I should do nothing with the view of ending the action, unless I had the entire concurrence and sanction of all the field officers I had named, they being the only persons in the convent acting as such. After mature deliberation, Lieutenant-colonel Pack and Colonel Guard did positively and unequivocally give it as their opinion, in concurrence with mine, that the situation was such as fully justified me, and made it advisable that I should hold out a flag of truce for putting an end to the action on the best terms I could obtain. Lieutenant-colonel Holland, who was on the staff of the army, and was present at this conversation, was not consulted; he being my brother-in-law, motives of delicacy prevented my asking his opinion. When I asked that of Major Macleod of the 95th, he seemed to hesitate; and as I concluded from this, that he thought we could extricate ourselves, I said to him, "Major Macleod, do you think we can get out of this place? Although I do not think it, I will this moment place myself with you at the head of the column, and we will be the first to lead it out." The Major did not accept this proposal, but did concur with the other field officers. A flag of truce was in consequence held out by us to the enemy, who on their part, in the course of the day, several times approached with flags of truce, but merely

for the purpose of enticing us out, and then firing upon us. Our people after this naturally fired on their flags of truce, so that it was a considerable time after we displayed ours that they took any notice of us. At length an officer approached, with whom I had a conversation in the presence of Colonel Pack, and I believe of Colonel Guard; and finding that no other terms could b obtained, I thought it better to surrender the remainder of my brigade as prisoners of war. The number which surrendered I believe to have been about six hundred rank and file. My division on entering the town consisted of five hundred and forty; Colonel Guard brought with him about one hundred, and the number of Colonel Pack's division which joined me was about seventy. The number of killed and wounded I cannot exactly state, but of the latter we left about one hundred on the floor of the convent so severely wounded, that they were not able to be removed. In the afternoon of the 6th, General Gowe. came to General Liniers' house, where I then was at dinner with the Spanish General. I had then no opportunity of saying a word to him that was not heard by every one at the table, but I afterwards went with him and General Liniers into the apartment of the latter, and before they entered upon business, I thought it my duty to take the Major-General aside, and tell him, that from what I had observed, I was quite convinced, that if the army attacked the town again in the same way they had done on the 5th, they would be completely defeated. Nothing more passed between us till some hours after he sent for me to go into General Liniers' room. The paper that detailed the articles of the convention was lying on the table, and persons were employed in copying it. The Major-general told me that General Liniers was receiving frequent reports of great cruelties committed by our soldiers, which kept his people in a state of great irritation, and which might produce serious consequences to the prisoners in their power. To this I replied, that I believed, and I do now believe, that as long as that irritation was kept up by such reports, there was reason to apprehend the prisoners were not safe. General Gower wrote out an order on that subject, and asked me if I would accompany General Elio to the Residencia, for the purpose of delivering this order to the officer commanding there, which I accordingly did. The irritation of the people was indeed very great, and so apparent, that one day when I was walking through the streets with an officer, one of them presented a musket at me though the officer was beside me. I am however convinced that the Spanish officers had sufficient power over these people to keep them in subjection if the cause of that irritation was removed.

Q. You stated that you reached the beach without any obstacle. Do you think that the co-operation of the navy at that time would have been of considerable avail in securing the success of the attack?

A. If the gun boats had been in very considerable number, and could have approached near enough to fire with effect, their co-operation would undoubtedly have been very great.

Q. Did any gun boats approach the town after you were taken prisoner; and if they did, what effect had their fire on the town?

A. Two or three gun boats did fire on the town on the morning of the 6th: some of the shot struck General Liniers' house where I was, but the fire was not sufficiently considerable to produce very material effect.

Q. Was the co-operation of the fleet ever required, or did it enter into the plan of attack?

A. I do not know whether it was required, but certainly it did not enter into the plan of attack which was communicated to me.

Q. Should you have adopted the measure you did if you had known that the Residencia was the specific object of attack of the 45th?

A. I should have thought it my duty to occupy the post which I did occupy; but as in advancing through the town it was clear that the Residencia was totally out of the enemy's position, I should have taken upon myself to have prevented the 45th from going thither.

Q. Had you any other guns but the three-pounder you have mentioned as attached to your column?

Attached to my column I had
; with Colonel Pack there was an-
three-pounder.

Would not the operations of the
s under your command have been
ly assisted by artillery ?

I do not think that field pieces
into the town in the manner we
ced would have occasioned any
difference in the result of our at-

I am, however, of opinion, that
nading the town in different points
have made a material difference.

From what you saw of the strength
neans of the enemy on the 5th, are
of opinion that the necessity for
der would have been prevented
ou received support from the re-
under General Whitelocke or from
el Mahon, from which, from your
ledge of those corps, either of them
have been able to give you had
been so inclined ?

The central reserve consisted, as I
stood, of about one hundred men.
part of this reserve had marched
the town to the Residencia, as I
onvinced it might have done with-
ny difficulty, and had it advanced
thence with the 45th, which appear-
t to have been in action, I have not
nallest doubt they would have ren-
the operations still more easy.

At what hour of the day did the
tages obtained by the enemy ap-
to you decisive ; so far as to prevent
ossibility of your being extricated
the situation in which you were,
if assisted by the co-operation of
part of the British troops which had
een engaged in action ?

In my opinion the force above-
ioned, though sufficient to have
cated me, might have found very
derable difficulty in doing so after
ie other troops had been either
or compelled to evacuate the

About half past two o'clock, I am
nion, that that force might not have
sufficient of itself ; but if in addition
is, Colonel Mahon's corps, which
lerstood consisted of about 2000
could likewise have been brought
he probability is that they would
enabled us to defile out of the con-

Had you any notice during the 5th, what were the posts of retreat if retreat became necessary ; or where General Whitelocke was to be found during that day ?

A. No point, upon which in case of failure I was to retreat, was ever named to me ; nor did I ever receive any information respecting the situation in which the Commander in Chief would be found, further than that which I have already stated to have been communicated to me in conversation by General Gower on the evening of the 4th. After leaving the ground on the morning of the 5th, I never saw any staff officers except those of my own brigade.

Q. Was it communicated to you by General Gower that General Whitelocke had determined to remain stationary at head quarters during the whole of the 5th ?

A. General Gower told me, as I have already stated, that he should advise the Commander in Chief to take his station on the morning at the place where I understood he remained the whole day, at the Coral ; but I certainly did not understand that it was his intention to remain there all day without any exertion.

General Whitelocke declined putting any questions to the witness.

Examined by the Court.

Q. When you arrived at the Residencia in the afternoon of the 6th, in order to make enquiries about the reports mentioned by General Liniers, did you find there was any foundation for these reports ?

A. I was assured by Major Nicholls of the 45th, that as far as related to his regiment there could be no foundation whatever for them. I know certainly, that by a division of my own brigade some women and children were found murdered in a house, but my firm conviction is, that the murders were committed by a lawless banditti which formed a part of the enemy's force, and I told the Spanish General so at the time he mentioned these reports to me. The Court will excuse this apparent inconsistency, when I said that we had given cause for irritation ; but I mean the conse-

quences of our being in the town caused these reports.

Q. Is the Court to understand that you had no authority over any other brigade than your own; that you were ordered to penetrate through the town and take a position; that having done so your order ceased, and you looked for further orders from some superior officer who was charged with the superintendance of all the attacks?

A. Certainly; and even my authority in my own brigade appeared in a certain degree limited in an unusual manner, in as much as my own personal situation was pointed out in general orders, which also expressed that the left column of my brigade was to receive its orders from Colonel Pack; and having penetrated through the town, I certainly felt myself bound in a degree to wait for orders. It also appeared to me very odd that the 45th did not receive its orders from me, I being the only brigadier on the left wing of the army.

Q. From your knowledge of the country, and the means and strength of the enemy, are you of opinion that the British force sent against Buenos Ayres was or was not sufficient to accomplish its object?

A. I am of opinion that it was fully sufficient to take the town of Buenos Ayres, and that if after that event it had been found practicable to conciliate the inhabitants, we should have retained it with a reasonable degree of security.

Q. Was the 45th mentioned in the original plan as placed on the right of your brigade?

A. All that was said in the original disposition of the 45th was, "the 45th to advance by wings left in front up the two next streets beyond the light battalion."

Q. When did you understand that it was sent to the Residencia by verbal orders?

A. It was after the head of my column had arrived at the beach.

Q. Did or did not the plan of attack given you by General Gower differ from the one explained at head quarters on the 4th?

A. On the morning of the 4th I received two written dispositions, the last of which was acted upon, and was in some particulars different from the first. The hour of attack was not the same, and the order to penetrate the town was more peremptory.

Q. Can you tell what was the object to be obtained by penetrating through the streets to the beach, when they could without any difficulty have reached that point by marching round the town?

A. I conclude the object must have been to engage with the principal part of the enemy's force, which by marching round the town we should not have come in contact with. I beg the Court to understand, that I am giving an opinion only on the propriety of the measure. I can only guess at the intentions or views of the Commander in Chief.

Adjourned until to-morrow.

TWENTY-THIRD DAY.

SATURDAY, FEBRUARY 27.

The Court being met pursuant to adjournment, Brigadier-general Craufurd was again called and examined. A question of the examination of the preceding day was repeated to him.

Q. Did or did not the plan of attack given you by General Gower differ from the one explained at head quarters on the 4th?

A. I have both orders in my hand, and will read them if the Court wish it. While at head quarters on the forenoon of the 4th, I received two dispositions for the attack. I do not know that either of them was given me by General Gower, but that which I received last, and which was the one acted upon, differs in something from the former. The first I received in an official letter from Colonel Torrens, the military secretary; the second I received officially at head quarters, and believe to be in the handwriting of General Gower. The first order contained some particulars with respect to my brigade which were omitted in the last; but which, not contradicting the tenor of the former, I of course considered I ought to observe.

Q. Were the first orders circular?

A. I did receive them in an official

from General Whitelocke; and ircumstance of my having that let- i my pocket when I was taken pri- was, I have reason to believe, of ial service; the Spanish officers g taken up an opinion before I ived it, that the orders of General elocke had been to give no quarter. ny shewing this letter to General rs and General Balbiani, it appeared nvince them that General White- was anxious to prevent unnecessary on of blood, and particularly to nt any acts of violence against per- ot carrying arms.

When you reached the beach, and l have assailed the fort and citadel, ou means adequate to the task, or ou entertain any doubt of their ment being the main and ultimate t of attack?

Having no orders, I certainly did ink it was expected of me that I d get into the fort; but had I seen ossibility of doing so, I should have ht it my duty. The ultimate ob- f attack I conceived to be the whole town.

Is it your opinion that the surren- f the town would have been the al consequence of the fort and l being carried?

That must have depended on cir- tances. The fort is small and was letely commanded. Had any column attacked with advantage, hrown the enemy into a state of sion, it might have been taken; otherwise, I think it is very proba- he column might have found the fate which I did in the convent of St. ingo: I mean, if it had not been rted.

Do you believe that any advan- might have accrued from the troops ordered to load in the commence- of the attack?

In my opinion it would have been r if they had loaded.

Are you sufficiently acquainted the environs of Buenos Ayres to an opinion whether the force under ral Whitelocke when entire, could been so disposed as to cut off all ies from the town?

I am not sufficiently acquainted the environs from any actual re- connoitring to enable me to speak positively on that point; but I am inclined to think, that, considering the inability of the enemy, from the nature of their troops, to meet us in the open field, we might with safety have taken such positions as would have rendered it difficult for the town to have received the necessary supplies from the country; but had the enemy's troops been of a different description, it would have been out of the question.

Q. From your observations, do you think that a communication could have been established with the fleet, and a situation chosen, from which the effect of batteries might have been tried?

A. If the army had taken a position on the north side of the town embracing the side of the Toros, we might have communicated with the fleet, and have tried with advantage the effects of cannonading and bombarding the town.

Q. Was the station of the Spanish troops on the tops of the houses on the 5th such as could have afforded them protection from shot, and shells of grape, and carronades of a heavy nature?

A. I certainly think that a cannonade from the heights, with heavy batteries on the Toros, must have had considerable effect in preparing the way for an assault. The houses are not such as to resist either shells or shot, though there is so very little wood used in their construction as to render them not easily set on fire. The fort itself had no parapet, and several of the principal houses, from the tops of which the enemy fired with effect against our troops approaching the fort, were entirely open to the fire of the gun-boats, and such other vessels as the depth of water would permit to get near the town.

Q. Are you, or are you not, aware of any pressure of circumstances which rendered it unavoidably necessary to proceed to action on the morning of the 5th?

A. I am of opinion that it was adviseable to change our position, and to attack the heights of the Toros; but certainly there was no circumstance known to me that rendered it necessary to assault the town on that day.

Q. Had you, or had you not, any sort of intimation or knowledge of the plan or disposition which the Comman-

der in Chief had it in contemplation to make when the several columns should arrive at their respective destinations on the 5th July?

A. I had not. I expected that some superior officer would then arrive to make a further disposition. And here I wish to make some alteration in my evidence of yesterday, where I stated a conversation with Major Macleod. I wish to correct that part of my statement where I said that Major Macleod did not accept the proposal of heading with me the brigade. I wish to add, that though I repeatedly made the proposal, he did not give the slightest hint that he thought the attempt ought to be made. He seemed rather unwilling to take upon himself the responsibility of giving an opinion, which I apprized him I should call on him officially to repeat: but from all that passed between him and me in the presence of Lieutenant-colonel Pack, Lieutenant Guard, and Lieut.-colonel Holland, they and I felt convinced that his opinion concurred with ours. After the attempt to effect a retreat from the convent, I ordered the riflemen to resume their posts: though I know that an infamous publication states that I did not allow them to resume their posts. I have also said in another part of my evidence, that the gun was of no use; but allow me to add, in stating it was of no use, that the officer who commanded, and the artillery men, behaved with the greatest spirit and bravery, and made every possible effort to render it effective.

Lieutenant-colonel Pack sworn and examined.

Q. Did you command the left wing of the light brigade in the attack of the morning of the 5th July?

A. I did.

Q. State the operations of that wing from the time of your separating from General Craufurd to the time of your junction with him at Buenos Ayres.

A. I proceeded into the town of Buenos Ayres by the road pointed out in orders. The first remarkable circumstance that attracted my notice was the extraordinary silence of the town, only interrupted by a few random shots fired from a distance at the column as we passed. Some intelligent men of the advance corps heard the sound of voices in several of the houses as we passed, and prudence would have dictated to me the necessity of having them separately examined as we went along, but thinking that such an operation militated against the orders I had received, I judged it my duty to press forward. I did so, and without opposition, except from some shot fired from a window leading down to the great square, by the bottom of which I passed, till I came in full view of the river Plata. Here I halted the head of the column to allow it to close up, and hearing firing to my left, and seeing nothing of the enemy in my front, or any post to occupy there, I conferred with Lieutenant-colonel Cadogan, who agreed with me on the propriety of taking ground to the left, and commencing an attack, supposing that the enemy must be there. The just expiring lamps appeared as if disposed to assist the besieged in case of a night attack, and every circumstance seemed to unite in aiding the preparation for intended resistance. The then strength of my column, as nearly as I can state, was about six hundred rank and file. I directed Lieutenant-colonel Cadogan to lead the rear half of the division in advance in a street parallel with me. I was certainly under apprehensions that we were unprovided with means to overcome the defences of the place, and I was soon convinced that I had entered on a contest the most unequal perhaps that was ever fought: for I had scarcely approached under the Franciscan church when I lost, by the almost invisible fire of the enemy (and who were certainly by us unassailable) the officer, and almost the whole of the men who composed the first division, and who were volunteers from different companies; the officer and nearly half the men of the next company, and so on in proportion of the others which composed my division. Finding it thus impracticable to penetrate to the objects of attack, which I conceived to be the square and the fort, or to gain any advantageous position in that neighbourhood, I thought it right to desist, and enquire the success of the division which had moved

down the parallel on my left. With this intention I withdrew the remains of my men to the cross street from which we had advanced, and which in a great degree protected us from the fire to which we had been exposed. I had scarcely effected this when I learned the failure of the other column also: for on going into the street, I found the men retiring, and soon after met Lieut.-col. Cadogan himself. He was excessively agitated, and emphatically assured me that he and all his men had done their duty, but that really they possessed not the means of succeeding. Every man and horse which accompanied the gun attached to his column was either killed or wounded, and the gun itself was lost. I could readily believe Lieut.-col. Cadogan's statement, and directing his men to form in the line with mine, I went myself to reconnoitre the bottom of the building forming the square in which the Jesuits college is situated, but I found it impossible to get an entrance there. On my return to Lieutenant-colonel Cadogan, I intimated to him my intention of proceeding to the Residencia. Some of the men had by this time forced open two houses, but I conceived them to be of no consequence except in affording shelter to the wounded men. Colonel Cadogan however deprecated the idea of giving up the ground we had gained with so much loss, as General Craufurd was momentarily expected up, and I therefore allowed him to remain in the position the troops were then in, and crossing myself to fall in with General Craufurd, I met Colonel Guard with a division of the 45th, and from him I learned that the Residencia was already in our possession. Almost immediately after, the head of General Craufurd's column appeared at the top of a narrow street leading to the back of the church St. Domingo. I had often mentioned to General Craufurd the advantages of a position above the Residencia; and after relating to him the misfortunes of this evening, I stated to him the impracticability of ever coming to the defences of the enemy provided as we then were, and strongly pressed on him the propriety of then taking post at the Residencia. He hesitated, and I saw an evident reluctance on his part and that of Major Trotter to retire. He asked me if the building at the back of which we stood was not St. Domingo church; I replied it was, but that I did not think it an advantageous position to attack. He remarked that it was in strict conformity to his orders to do so, and I reluctantly assented. On entering the church, which we were unable to do with the three-pounder General Craufurd had brought with him, some parts of it were found to overlook the houses more than I confess I thought it would. The colours of the 71st were also found there, and I was very glad we had entered it, satisfying myself, that though I might have acted contrary, General Craufurd as an officer had acted right. Under these circumstances Colonel Cadogan was allowed to hold the position we had got, and the remainder of these men near the convent were brought in. It was my intention, to have gone to Colonel Cadogan, but General Craufurd insisted on my going to where the surgeon was, in consequence of my being wounded. Every thing was at this time perfectly quiet, and we rested in a confident hope that a favourable opportunity would soon occur for our again renewing the action, or for advancing to the Franciscan church, which was a little in our front, and a very desirable object to obtain. Between eleven and twelve o'clock, as nearly as I can recollect, it was reported, with other favourable circumstances, that the colours of the fort had been hauled down, and I believe no one doubted that the flag of truce which soon after appeared was a surrender instead of a summons to our troops. In availing themselves of a flag of truce the enemy had advanced their approaches to us, and after General Craufurd had dismissed the flag of truce, they endeavoured to press forward on our gun. But of this I was not aware, till the bustle of Col. Guard going out and returning attracted my notice, when I heard of the severe loss we had sustained. General Craufurd came in immediately after; his eyes now seemed to be opened to the situation we were in, and to doubt that things were not so favourable as we had hoped; and so satisfied was I then that he would have thought of retiring, that I directed an officer (I believe Major

Macleod) to take care that our colours were confided to some trusty men. One of them had been placed at the top of the convent, and the direction I have mentioned was the cause of its being taken down. At that moment General Craufurd seemed to doubt of the propriety of retiring. He asked me if I should be able to accompany him, and still seemed to entertain some doubts of his being warranted to evacuate his post. The thing appeared to me a point of too much delicacy to press; and a hope of receiving orders, and a sense of duty, as it appeared to me, led General Craufurd to postpone effecting a retreat till that moment, which, as I conjecture, was between two and three o'clock. It was then become a matter of consideration to communicate with the enemy: he seemed to think a retreat impracticable, and I certainly thought myself it must be attended with very severe loss. In a little time afterwards he assembled the field officers, and gave his opinion decidedly to the effect I have mentioned. On his so doing directly to myself, I said that in that case I thought a question arose as to what effect our conduct could have on the general operations of the army; and whether we were not placed in such a critical situation as to make it necessary that we should sacrifice ourselves. Neither General Craufurd, nor those others present, seemed to think there existed such a necessity; and I there assented to the judgment of Gen. Craufurd, an officer whom, though unfortunate, I must ever respect and admire. And though I think I owe it to him and myself to state distinctly, that in giving that assent he must be considered to have sanctioned that which afterwards took place; I do not think that, however convinced he might be of the propriety of such a measure, he would have adopted it, unless conceiving he had the sanction of those with whom he acted. General Craufurd seemed perfectly ready to sacrifice his own life, but thought he was called upon to interpose to save the lives of those under him. When this discussion took place, I certainly thought, if we were obliged to surrender, that we should have had better terms; and when eventually General Craufurd went out to meet the Spanish officer, I was not present, nor aware of the circumstances which led him at that moment to make the compromise he did. At the same time that I mention this, I do not mean to insinuate, that I either would then or could with propriety have withdrawn the sanction I had given.

Q. You belonged to the former expedition under General Beresford?

A. I did.

Q. While you were at Buenos Ayres with General Beresford, had you the means of obtaining a local knowledge of the town and environs?

A. I had—precisely of the town itself, and generally speaking of the environs.

Q. Were you the senior officer attached to the expedition under General Whitelocke, that had been with the expedition under General Beresford?

A. I was.

Q. Being the senior officer who had belonged to the former expedition against Buenos Ayres, were you at any time, and when consulted by General Whitelocke on the intended plan of operations against that town?

A. General Whitelocke spoke to me twice on the subject—once that I happened to be at head quarters on the evening of the 3d July. The orders and arrangements for the attack the next morning were then issued. General Whitelocke seeing me, beckoned me over, and asked me "what do you think of this?" or something to that effect: to which I replied, that every confidence was to be placed in the troops, but that I was anxious as to the means for carrying the attack that was decided upon into effect. Something in that moment attracted the General's notice, and he rather abruptly broke off the conversation. General Whitelocke then appeared to me as a man intending to act contrary to that which was his own judgment, and I was inclined the more to this opinion, having seen a paper that mentioned the intended attack would not have been resorted to under other circumstances. Very shortly after I retired to my quarters, but with directions to attend the next morning at head quarters at nine or ten o'clock, with the other officers to receive orders.—General Craufurd had resigned the care

rigade a good deal to me, and in
ng the disposition of it, and not
a watch, the hour inadvertently
ver, and I was not present when
manding officers assembled. The
officers were there however
arrived, and the moment Gene-
itelocke saw me he called over.
g had at that time been furnished
brigades that in my mind would
orwarded the attack intended;
nore decidedly than the evening
mentioned my apprehensions that
not the means of succeeding. I
ed to him that from the turrets of
Ayres the enemy would distinctly
e every movement that we made,
uggested the propriety, if such an
was determined on, that it would
er to attempt it before day-break
perhaps we might have better
furnished us. To this General
locke seemed immediately to as-
nd he took me into a room where
ther general officers were, and
med to them the propriety of what
stated. It was approved by the
l officers, but as I thought was so
received by the second in com-
as to prevent much discussion on
erits of the arrangement, and the
ence broke up with orders for the
to take place on the following
ng.

Is the Court to understand that
ere not at all consulted by Gene-
hitelocke as to the plan of opera-
till after the plan was formed and
issued for its execution?

I leave it to the Court to draw their
onclusions, having stated facts.

Having stated that in your conver-
with General Whitelocke you
oned your anxiety to see the means
rrying the attack that was decided
into effect, and having suggested
subsequent conversation the pro-
that the attack should be made
day-light, did you or did you
communicate a distinct disappro-
of the plan of attack decided
?

I do not recollect that any thing
passed than I have stated.

Having stated that you recom-
ed if such an attack was to be made,
propriety of attempting it before
reak, did you convey an opinion
that if the attack was made before day-break it would not succeed?

A. Most certainly I never intended to convey the slightest approbation of the attack intended. To General Crauford I opened my mind, and deprecated the plan, as in my opinion it would be attended with such dreadful loss.

Q. In your narrative you stated that you were always apprehensive you were not provided with means—in what particular were the troops under your command unprovided with means?

A. I conceive in many. In artillery, in scaling ladders and petards, and better implements for breaking open houses than those which I understood were provided.

Q. Having stated in your narrative that the door of the convent of St. Domingo was broken open by the three-pounder that was with you, are you of opinion that if more artillery had been ordered to accompany the columns they would have had a better chance of success?

A. Certainly: artillery and scaling ladders were in such an attack particularly desirable.

Q. From what you saw of the strength and means of the enemy on the 5th, are you of opinion that the necessity of your surrender would have been prevented had you received support from the reserve under the immediate command of General Whitelocke, or from the force under Lieutenant-colonel Mahon, consisting of sixteen hundred men and two hundred sailors, which from your knowledge of the strength of these corps either of them would have been able to afford you?

A. Certainly: a simple communication of orders would have prevented the catastrophe, or had the 45th regiment acted as a supporting corps to convey orders.

Q. Can you state from your local knowledge of the environs of the town, whether the army under General Whitelocke when entire could have been so disposed as to cut off all supplies by land to the town?

A. Yes, I think it could.

Q. From your local knowledge of the town, do you think a communication could have been established with the fleet in a situation so chosen as from

thence the effects of the batteries might have been tried?

A. Yes.

Q. State your opinion of what that situation ought to have been?

A. The Plaza del Toros I conceive to be the best commanding situation, and any attack I would have made upon the town would only have been with the view of carrying that place, all the others should merely have been as a feint, since the possession of them could answer no end.

Q. From your knowledge of the town, was the situation of the Spanish troops such on the 5th as to have afforded them protection from grape carronades or other ordnance of a heavy nature, directed against the town by sea or land?

A. I do not conceive the shipping could well have been brought into action till the Plaza del Toros was first carried. That place certainly prevented a great deal of the ships' fire taking effect on the Spanish troops as they were posted. From the land side batteries of heavy ordnance might have been erected with effect, although the ground is not generally favourable to it.

Q. Supposing the Plaza del Toros to have been in our possession, would it have been practicable from your knowledge of the town to have had an effectual co-operation from the navy in the attack?

A. Most certainly: I cannot conceive the possibility of the town of Buenos Ayres holding out one hour with batteries erected on the Plaza del Toros and a well combined attack from the navy.

Cross-examined by General Whitelocke.

Q. Had I not before the 3d July availed myself in various conversations of the information afforded by your local knowledge of the country and its inhabitants?

A. On the march from the Ensinada General Whitelocke did once or twice question me as to the rout, and respecting the Rio Chuelo, and other points connected with the march, but upon which in general I was not able to give any information, never having been in that part of the country myself before.

Q. Did I ever see you before you joined the expedition from Colonia?

A. Never, I believe.

Q. Had you heard of the plan of attack before you joined the main body on the 3d July?

A. Never; I never knew even the point of debarkation except from report.

Q. Did you at the time state any other deficiencies of implements for forcing doors, &c. and did I not immediately order a search to be made for such implements?

A. I do not recollect; but I understood the implements I mentioned were on board ship, and I have reason to know that General Whitelocke did order such search.

Q. Was any disapprobation of the plan, or any opinion unfavourable to its success, stated at the meeting on the 4th July?

A. I do not recollect that there was, though some remarks were made, I believe by myself which were interrupted in the way I have mentioned. If I did not open my mind and express my disapprobatfon of the attack intended, it was because I conceived the Commander in Chief had the best possible information from Sir Samuel Auchmuty, who had lived for three weeks in close intimacy with General Beresford previous to the arrival of General Whitelocke: and I am impressed with the conviction that General Whitelocke had originally intended to act on a very different plan, but had been led to adopt the one I have mentioned through motives of some imperious necessity which I never learnt.

Adjourned until to-morrow.

TWENTY-FOURTH DAY.

MONDAY, FEBRUARY, 29.

The Court being met pursuant to adjournment, it was intimated by the Judge Advocate that he had received a message from Brigadier-general Craufurd relative to part of his evidence on a former day, which he now wished to amend, and which, if the Court and General Whitlocke assent-

ed, might in the opinion of the Judge Advocate, be done without demanding the personal attendance of General Craufurd.

The Court and General Whitelocke accordingly assented, and the Judge Advocate stated that the amendment in the evidence of General Craufurd related to his answer to a question on the use of ordnance in the attack on the town. He had answered in the negative, but now wished to have added to that answer, that he thought they might be useful in breaking open doors. This amendment was accordingly entered on the minutes of the court.

Lieutenant-Colonel Pack called and further examined.

On the last question of the preceding day being read over, Colonel Pack made the following observation:

"I do not conceive that answer was quite concluded. I think it proper towards General Whitelocke to state, that whatever share of blame may be attached to me on that occasion, I am ready to take the weight off his shoulders. Whatever I have stated was dictated by the facts themselves, and I throw myself on the judgment of the Court, not wishing to say one word too much or too little.

General Whitelocke.—The question was a very simple one, and required only a plain answer. I do not want the question to be explained away by the prosecutor or by any one else.

Colonel Pack.—I thought I had no opportunity of stating my objections to the plan in question, and my opinion not being asked, I should have considered it presumption in me to have offered it. But, after twelve months most anxious reflection on the subject, and with all General Beresford's opinions upon it in my head, I should not have felt myself justified, had I expressed any direct approbation of the plan of attack then decided upon.

Q. What would have been the probable consequence to the prisoners of a renewal of the attack on the town either by means of bombardment or otherwise?

A. I think a bombardment of the town of Buenos Ayres, must certainly have endangered the lives of the prisoners very strongly, but I did not think, as I stated immediately before, when General Whitelocke asked me a similar question, that the lives of the prisoners were in danger from the inhabitants: I did not think that the inhabitants would have put them to death.

Q. Look at the letter now produced, and state if it be a copy of a letter written by you on the subject of the prisoners.

Here the letter was read as follows:

Plaza del Toros, 8th July, 1807.

It is my determined opinion that a bombardment of the town would be attended with fatal consequences to the British prisoners.

(Signed) D. PACK,
Lieutenant-col. 71st reg.

To General Whitelocke.

A. General Whitelocke on the morning I came to the Plaza del Toros, asked for my opinion on the subject of the preceding action, and whether I had any objection to give that opinion in writing. I replied, no, certainly not; but at the time of writing it, I saw the statement of other opinions would be much endangered by the exasperated state of the minds of the inhabitants, if any renewal of the attack should take place. I thought, however, in candour, I owed it to myself personally, to apprize General Whitelocke, that my opinion alluded solely to the bombardment. That letter I wrote for General Whitelocke; not to him.

Q. Was this letter written by the desire of General Whitelocke, and at what time?

A. Certainly it was written at his request. It was after the exchange of prisoners, the day after the treaty was signed.

Examined by the Court.

Q. Is there any thing so particularly bad in the climate of Buenos Ayres at that period of the year, when you were before it, as to render it very inconvenient for the troops to keep the field?

A. I entertained and expressed the greatest apprehension of the state of the

weather, and certainly had I given my opinion previous to the army embarking, it would have been to have waited till a more favourable opportunity. There is nothing in the climate of Buenos Ayres at any time so bad as to prevent troops keeping the field, but there are particular periods when there falls a deluge of rain, and that period was just approaching.

Q. How soon did the rain set in at Buenos Ayres last July?

A. There was very heavy rain, I think, on the night of the 2d, and on the morning of the 3d; but it did not continue so long as it usually does at that period of the year.

Q. Had possession of the Colonia been retained, might not a sufficient quantity of cattle have been procured to supply the army for a given time?

A. Yes.

The Judge Advocate here produced a letter from General Whitelocke to Gen. Liniers, acknowledging the receip' of his letter with the proposition for a cessation of hostilities to treat on terms, and informing him that he sent Major-general Gower for that purpose. The definitive treaty, produced in evidence on the first day, was also ordered to be entered on the minutes as read here.

Lieutenant-colonel Cadogan sworn and examined.

Q. Did you command a division of the left wing of the light brigade on the day of attack at Buenos Ayres?

A. Yes, I did.

Q. Describe the operations of the advance under your command from the period of separation from Colonel Pack, during the remainder of the day of attack?

A. I proceeded forward to the west side of the building called Jesuits' College, without any considerable loss of men; when in bringing up the light three-pounder belonging to my column, in order to force an entrance into the principal gateway, the enemy suddenly appeared in great numbers at every window, on the tops of houses, and from the barracks on the opposite side of the street, and also at that side of the street with some ordnance. On a sudden the whole of the leading company of my column, and every man and horse at the gun, were either killed or disabled, and we found it altogether impossible to possess ourselves of this very eligible situation; and clearly impossible to penetrate further up the street. I was therefore necessarily obliged to fall back, and throw myself with about 140 men into a house about 140 yards from Jesuits' College. The remainder of the column was dispersed in several houses adjoining, and those that did not succeed in entering were either killed or wounded. After having held some conference with Lieutenant-colonel Pack, respecting my remaining on so bad a post, I thought it my duty to detach an officer with ten men to communicate with General Craufurd, respecting the post I occupied, and the consequences that might ensue if we continued there any longer. I have since learned, that every man of this detachment was either killed or wounded in opening this communication, and that the officer with great difficulty escaped. I defended this post for almost three hours with the loss of a serjeant and fourteen men killed, and five officers and 82 men wounded. Soon after an officer from the enemy appeared with a flag of truce, which I certainly conceived had no other object but an offer for us to surrender to the troops immediately opposed to us, and on consulting with the officers, I judged it expedient to give him a parley. The firing from the top of my post, was necessarily ordered to be suspended, and the enemy availing themselves of this circumstance, poured in numbers round the post, when finding that so few of my men remained alive, and the overpowering numbers of the enemy, I with the concurrence of my officers surrendered, and with them was marched into the fort, and the remaining men were carried off to different prisons.

Q. Can you state the original strength of your division?

A. I cannot state with certainty, but I believe we had 250 men.

Q. Does that number include the artillery?

A. No.

Q. What number of artillery had you?

A. I think we had a serjeant and four men, besides three gunner drivers.

Q. State as accurately as you can remember, the number that remained alive of your division at the time of your surrender?

A. I can only answer for the post I occupied; there were about 40 men able to march.

Q. At what time did you surrender?

A. To the best of my belief about eleven o'clock.

Lieutenant-colonel Guard sworn and examined.

Q. Did you command the 45th regiment on the 5th of July?

A. I did.

Q. Describe the operations of that corps from the period you commenced your march in the morning till the time you gave up the command of it to Major Nicholls, and state the operations of that division from the time of your marching from the Residencia, till your junction with Brigadier-general Craufurd?

A. Having previously occupied the roads by which we were to enter the town, I moved forward at day break in the morning of the 5th July, with the 45th in two columns, consisting each of four companies, having the command of the right wing myself, and the rest being under the command of Major Nicholls. We proceeded about three quarters of a mile, when the columns came together in consequence of the junction of two roads, and I was under the necessity, in conformity to my orders, to make a considerable detour to my right, by which means I did not reach the Residencia, (the post I was ordered to occupy) until three minutes after the left wing under Major Nicholls, whom I found in the act of breaking open the doors of that building. My loss in reaching that post was trifling, having only three men killed. Perceiving now some houses in the vicinity, and nearer to the banks of the river, I considered it expedient to possess myself of them: I therefore moved forward with my wing, and selecting three of them left a company in each, and returned myself to the Residencia, with the grenadiers. A considerable firing on my left urged me to request Major Nicholls to make the necessary arrangements for the occupation of the Residencia, and to take the grenadier company with me and reconnoitre the disposition of Brigadier-general Craufurd's brigade, and return to him immediately. I then went by the street by which I had entered the town, and turning to the right came into one that led directly towards the great square. I proceeded about thirty or forty yards forward, when I came to a very large house which I thought it might be advantageous to take possession of, and occupy with a small detachment. I therefore proceeded to break in the door, but finding it very difficult to effect, I sent back my adjutant with a few file to the Residencia for the purpose of obtaining the assistance of implements which I knew to be there. He had scarcely returned when I was joined by a picket of the regiment which had missed me in the morning, and had entered the town with the light battalion, and the officer commanding it brought me an order from General Craufurd to charge down the street with the grenadier company supported by the picket. I did so accordingly, and did not immediately meet any opposition except two discharges of a heavy piece of ordnance which was posted at the end of the street. As we advanced towards the centre of the town, I found the tops of the houses crowded by the enemy, who opened on us a smart fire of musketry as we passed, and when I got about half a mile, finding the men very much out of breath, and the great difficulty of moving forward, occasioned by the increased fire, I drew off my men into a street on my right, and seeing Colonel Pack with some of the light battalion approaching towards the church of St. Domingo, I crossed the street on purpose to consult him, as from his local knowledge he must be able to acquaint me with my situation, and the practicability of a further advance into the town. He told me it would certainly be impossible for me to reach the square without the loss of the greater part of my detachment: I therefore returned, and found General Craufurd with several companies of light infantry and rifle-men together with a field piece in the same street. I remained under General Craufurd's orders during the rest of that day.

Q. From whom and at what time did you receive orders to take possession of the Residencia?

A. On the 4th from General Gower, as well as I can recollect, from whom I received my instructions.

Q. Were these orders included in the original plan of attack, or were they communicated to the officers leading the columns on your left, whose operations must naturally have been connected with yours?

A. They were not included in the general instructions: they were given me verbally. I have no knowlege as to any communication being made to any officer who commanded the columns on my left.

Q. At what hour did you arrive at the Residencia?

A. About seven o'clock.

Q. Describe the position and strength of the Residencia?

A. It appeared to me a very strong building, but as I did not enter it, I cannot give an accurate description.

Q. How soon did you march with the grenadiers after your arrival to form a junction with Brigadier-general Craufurd?

A. Immediately on my return from taking the three houses before mentioned. I had no intention of joining General Craufurd until I received his order to that effect.

Q. Had you received any orders either from or through General Whitelocke as to the future operations of the regiment under your command after you should have taken possession of the Residencia

A. I did not receive any orders. I did conceive we were to maintain that post.

Cross-examined by General Whitelocke.

Q. Do you recollect me asking your opinion, after your release on the 8th, as to the truth of the statements respecting the prisoners, and the danger they might have been exposed to from the exasperated state of the minds of the inhabitants of the town, if it had been bombarded?

A. General Whitelocke did ask my opinion, and I gave it, that the prisoners would have been in a very dangerous state, if the town had been bombarded.

Q. Is this is a copy of a paper signed by you on that occasion?

A. I have the original in my pocket.

Here the letter was produced and read, for which see Appendix No. XII.

Lieutenant-colonel Nicholls sworn and examined.

Q. You commanded the left wing of the 45th regiment on the day of the attack?

A. I did.

Q. Describe the operations of that wing from the time you separated from the right wing till you arrived at the Residencia, and all that passed until you evacuated that post?

A. The wings of the regiment were joined until the arrival of both at the Residencia. Of the operations till the middle of the following day the 6th, my public letter to General Whitelocke will give an account. I have a copy of that letter which however does not contain the conclusion of the operations.

Here the report was read for which see Appendix No. XIII.

Q. Was this report that which you sent by Captain Whittingham, and which was communicated to General Whitelocke about two o'clock on the 6th?

A. It is a copy of that report. Captain Whittingham offered to leave the 40th grenadiers with me, but I declined, as I thought it was more important that he should get safe back to General Whitelocke with the intelligence which he had been able to collect of the situation of affairs in our quarters. In about half an hour after his departure, the enemy collected again and seemed to threaten a second attack; but on discharging their own cannon upon them they retired. About four o'clock in the afternoon, General Gower sent up two lines to inform me, that hostilities had been suspended till further orders, and about seven o'clock General Cranfurd came with a similar notification. I wished to have had some private conversation with General Craufurd as to our situation, but the General thought it would have been considered improper

olonel Ellio the Spanish officer, accompanied him. I therefore re- ed all that night entirely ignorant of unfortunate turn of affairs. The morning, being deprived of the is I had hitherto possessed of sub- g the men, Major Tolley, and my- hought it advisable to make a de- l from General Liniers of the quan- f provisions we required, assigning reason for this demand in a note t General Liniers, that it was pos- if I sent men out to solicit provi- from the neighbouring houses, quarrels might ensue between the s, and stating my number as one- nore than I had, viz. 600 instead of I received a reply that provisions d be sent; however, none arrived, t a very small portion which was to the sick and wounded of both s, until seven o'clock in the even- hen a considerable supply of bread d under the command of Cap- aker of the 9th light dragoons. In urse of the day about three o'clock, ived a letter from Lieutenant-co- Torrens, desiring me to halt on as ground as I might then occupy, further orders. I had also some unication, directing me to prevent regularities which were said to have committed by our men near the lencia: one contained in that let- one from Lieutenant-colonel Tor- one from Major-general Gower, wo from Brigadier-general Crau- Having only a pair of centries le, I thought it necessary to con- t the assertions made in these let- indeed a Spanish officer voluntarily ssed to me that evening, that the ts were unfounded. This day we employed in completing our bal- dge, which I had the means of from the cannisters I took in the rils. On the morning of the 8th, ived a verbal message from Briga- eneral Craufurd to evacuate the encia, and join the main body at the o; as this did not agree with the or- the preceding day, I sent a note to equesting a written order to that ef- s also asking what I should do with risoners and cannon. General Crau- returned me a reply, which was ctory; and in consequence of which I liberated the prisoners, and joined the army with four pieces of cannon about twelve o'clock.

Q. Describe the position and strength of the Residencia?

A. It occupies a square or space about 150 yards one way, and about 110 the other way. This square contained one or two very large churches and halls, and some very fine large wards in the hospital: it is a charitable institution. One front of the whole area was an open square or yard; half the front to the west presents a lofty dead wall to the street; the other half only ten feet high. Front and rear it had entrances. The roof of the Residencia is not commanded by any adjoining building.

Q. Was it practicable in consequence of having possession of the Residencia to open a communication with the shore of the Plata?

A. Perfectly so. It borders on the river, and there are no intervening buildings.

Q. What distance is the Residencia from the shore of the river at its common height?

A. About 250 or 300 yards.

Q. What number of prisoners were taken by the 45th at the Residencia and in the adjoining houses?

A. We had 43 taken in arms, and 150 sick and wounded, whom we found in the hospital on taking possession, not including about 20 Spanish surgeons who were attending them.

Q. Would not artillery both in men and guns have been of important service to the regiment under your command, both in obtaining possession of the Residencia, and maintaining that post?

A. Certainly it would have been of the greatest advantage; and I could, in such a case, have dislodged some of the parties that pressed so heavily on General Craufurd.

Q. How far was the position in which you were cantoned on the night of the 4th, from that of the light brigade?

A. Rather more than 300 yards.

Q. How long were you in marching from that post to the Residencia?

A. About three quarters of an hour. The roads were bad, and I marched slowly. I arrived about seven o'clock.

Q. At what hour did Captain Whi-

tingham arrive at the Residencia the next day?

A. About one o'clock.

Q. Having arrived at the Residencia at seven o'clock on the 5th, did you, or did you not remain there without receiving any orders from, or having any communication with the Commander in Chief until one o'clock the next day?

A. I did.

Q. Would a reinforcement from the reserve under Lieutenant-general Whitelocke, or from the corps under the orders of Colonel Mahon, have afforded you the means of co-operating with the different columns of the army engaged in the attack of the town?

A. It would have enabled me to communicate with General Craufurd, which, under such circumstances of imperious necessity, I would even have attempted without any assistance, could I have seen any probability of success.

Q. Do you know of any obstacles which the strength of the enemy in that quarter might have thrown in the way of a re-inforcement reaching the Residencia, if orders had been given to that effect?

A. I know of none.

Q. State as accurately as you can recollect, the distance from the cantonments of the light brigade on the evening of the 4th, (and which you state to have been 300 yards from your own,) from the Residencia?

A. About one mile and three-quarters.

Questioned by the Court.

Q. You say in your letter that humanity had induced some of your soldiers to make prisoners. Did you think any apology necessary for having made prisoners?

A. By no means—quite the contrary.

Q. You stated that you arrived at the Retiro about one o'clock. At what hour did you leave the Residencia, and by what rout did you march to the Retiro?

A. I left the Residencia I think about ten o'clock, and marched through the town. The delay was occasioned by the necessity of dragging the artillery through the town by hand.

Q. If you had known where to fin the Commander of the forces, would you not have contrived to communicate with him on the 5th?

A. Not in the morning; I could not have spared a force sufficient to do so, but in the evening I should have attempted it, had I known that Colonel Mahon was so close to me.

Questioned by General Whitelocke.

Q. Did you know where the Commander in Chief was to be found on the 5th, from the orders you received?

A. It was not specified in the orders, but I should have forwarded any report I had to make to Mr. White's house, whence I supposed it would have been sent on by some of the officers of the staff.

Rear-admiral Murray again called, and further examined.

Q. Have you the letter mentioned in the former part of your evidence which you received from Lieutenant-colonel Bourke, the quarter-master General.

A. By some mistake the original letter has been lost, but I have obtained a copy of it from Captain Thompson of the Fly sloop.

Here the letter was produced and read, (for which see Appendix No. XIV.)

It was in consequence of this letter I gave the necessary orders to Captain Thompson.

Q. Was or was not any plan for a combined attack upon the town ever proposed to you?

A. No regular plan was ever proposed to me for a combined attack on the town by Gen. Whitelocke. He once observed to me, that he meant to attack it from the westward, and would require any assistance we could give him there.

Q. Were you ever consulted, or had you any knowledge of the plan of attack which took place?

A. No.

Q. Are you of opinion that a combined attack on the town could have been practicable or expedient?

A. I think it would.

Q. If such an attack had been proposed, what assistance would it have been in your power to render from the ships, the boats of the fleet, and the gun boats?

A. I think the gun-boats and such armed vessels as were of easy draft of

' would have been of essential ser-
in the attack, and in co-operating
the army.

State what passed from the ar-
of the fleet off Buenos Ayres to the
ture of the treaty?

On the 4th of July, the gun-boats
got in near the town of Buenos
s, but not near enough to act. The
were directed to sound during the
ınd night to ascertain the depth of
, and Captain Thompson reported
, that he had himself sounded, and
the channel very intricate and the
lings very irregular. But he had
ved when abreast of the town, and
e situation in which vessels should
ıced to act against it from seven to
n feet water, and at the length of
ɔat seven feet again. Vessels draw-
ore water, could not be depended
act. On the 5th he had with great
ılty got the gun-barges and gun-
in a station above the town,
ce he was enabled to move down
un-boats and two of the armed
ners to assist in the attack if neces-

He also reported to me, that he
een enabled to land spirits and pro-
s to that part of the army com-
ed by Sir Samuel Auchmuty, and
e had likewise landed musket-balls.
ituation of that part of the army
: Sir S. Auchmuty by their march-
to the town, was such as had pre-
d him at that time from making use
: gun-boats, lest we should fire on
vn people; but the next morning,
of the gun-boats were placed in a
ion that appeared to him as likely
ove effective, and they continued
until a truce was made. The boats
kept there during the time the
was making, and, I think, until the
ıinaries were signed. On the 5th,
ived a letter from Lieutenant-ge-
Whitelocke requesting to see me.
journed until to-morrow.

WENTY-FIFTH DAY.

TUESDAY, MARCH 1.

Court being met pursuant to ad-
rnment, Admiral Murray was again
led and further examined.

Q. Produce the letter from General Whitelocke, stated in the latter part of your evidence of yesterday.

Here the letter was produced and read, for which see Appendix No. XIV.

Admiral Murray. In consequence of this letter I was about to leave the Staunch gun-brig, on board of which I then was, for the purpose of going on shore, when Captain Thompson of the Fly, came from the shore and informed me he had been obliged to have a guard from head-quarters to protect him to his boat, which guard had returned, it being then nearly dark, and that so many of the enemy's horse were seen about the place of landing, it would not be safe for me to go ashore that night, as no guard was on the beach. I therefore returned to the Nereid, and next morning went to the General. I found him in the Plaza del Toros, on the top of one of the houses, in company with Gen. Gower, Auchmuty, and Lumley. The General informed me of the situation of the army and the misfortunes that had befallen it, that he had received the preliminaries of a treaty from the Spanish General Liniers, by which the great point was gained of getting back all the prisoners taken in South America since the war, which was an important object, and without which, according to his instructions, nothing he could do would be complete; that better terms could not be procured, but if the business went on, he should expect every assistance from me. This I assured him he should have. He continued to observe that it would answer no purpose to go on with it, as Spanish America never could be conquered by the English: we had not a friend in the country, as the inveteracy of all classes had proved. I told the General that before these terms should be agreed to, I thought he had better consult with the general officers upon it. He told me he had already their opinions, which were similar to his own, namely, that the terms should be signed, as no purpose could be answered by going on. He assured me, from authority, that if hostilities were renewed, the prisoners (meaning General Craufurd's brigade) would all be put to death. I told the General that he must know more of the situation of the army, and what was in his power than I could, but that I could not possi-

bly agree to these terms without consulting the senior officer next in command to myself, then at Buenos Ayres. Admiral Stirling having been left in the command of the line of battle ships at Monte Video, Captain Bayntun was the next senior officer with me at Buenos Ayres, and he was then with me at the top of the same house. Accordingly I immediately communicated with him on the subject, told him what had passed, and asked his opinion on the necessity of signing those terms. He told me he thought I could not possibly do otherwise than sign them, for the General must be the best judge of what the army could do; that if I did not sign them, I must of course take all the responsibility upon myself for any consequences that might afterwards happen. General Gower then explained to me more fully, the terms that were proposed; they were written in Spanish, upon asses skin. Upon asking him if better terms could not be procured, he said he had endeavoured to obtain better terms, but the Spaniards would not hear of it, and that it was with great difficulty he had prevailed upon them to let us occupy Monte Video for two months instead of one, which had been at first proposed. Under those circumstances, and believing that from the disposition of the inhabitants, we should not be able to keep that country with the force then in it, I signed the treaty.

Q. Can you state the number of gun and other boats of easy draught of water that could carry guns of any description to co-operate in the attack on the town, if any plan for a combined attack had been thought advisable to act upon?

A. Four gun-boats were at Buenos Ayres, and two schooners, carrying Spanish 24 pounders might have been employed. Eight could have been got up; two more gun-boats, were left at Barragon, and one schooner carrying two of the same calibre and two carronades. What the calibre of the others was, I do not recollect, but I believe they were from six to eight pounders.

Q. Might not the boats and launches of the men of war have been fitted up with guns, and employed in the same service?

A. They certainly might have been of service in fine weather, but the changes of that season of the year were so sudden, and a very heavy sea getting up in consequence of the frequent gales, that it made their acting very precarious. Even the gun-boats, which are much larger than the men of war's launches, would have been swamped by the gale on the 2nd, had they been up there instead of being under point Quilmes, where the water was much smoother; for I never, in any river, saw such a sea as frequently happened while I was there, when the wind blew strong and a weather tide. I believe that General Whitelocke had not, however, the most distant idea of any assistance from the navy in the attack on Buenos Ayres after landing at the Ensinada, except that of being supplied with provisions, if the troops should be in want of them, and landing the heavy artillery westward of the town; for no doubt, I believe, was entertained by any body, that Buenos Ayres would have been taken by the army, without difficulty.

Cross-examined by General Whitelocke.

Q. Were not the transports left at Monte Video of too great draught of water to be carried up, and were not the troops removed from thence and doubled in the other transports on that account?

A. Two or three were left at Monte Video, and the troops were of course removed. The Bellona was one, although she was an ordnance ship, and had brought a great deal of ordnance and some soldiers from the Cape; the Captain was another, left on account of drawing so much water; another small transport was also left from being leaky. These are all I at present recollect.

Q. Did you understand that my reason for not fixing any specific plan, was my not having certain information, and that I therefore meant to take a position to the westward of the town, and communicate with you on further operations?

A. I certainly understood from the General, that he should see his way better when he should get up to the place, and that his intention was to attack from the westward of the town; but I did not understand from him that he expected

any assistance from the navy, more than I have before stated, for the General knew that the ships could not be got up, and he requested, when at Barragon, that I would send up the transports towards the town, to make it appear to the enemy that he meant to attack it in another place; but as I before stated, I did not understand that General Whitelocke expected any assistance from armed vessels in the attack of the place, but merely to cover the shore, or land provisions. As for landing the troops, in the first instance, he frequently expressed that he only wanted me to land his army, and he would answer for the rest.

Q. Do you not understand that by the western side was meant the Toros?

A. I do.

Q. Could the schooners have approached so near as to have made any use of the carronades against the town?

A. I think, during a part of the flood tide that they might, but they could not remain there the whole of the tide; with the wind in shore, they would not have been able to get off again.

Examined by the Court.

Q. What was the nature of the carronades?

A. I am not positive—some 9-pounders, generally speaking, I think 12-pounders were the largest.

Q. Could you not from the ships have furnished instruments which would have been of material use in forcing the barricadoes and doors of the town, and were you at any time applied to, to furnish such instruments?

A. Certainly I could. Iron crows might have been provided from the ships if they had been required, but I had no application made to me for that purpose, nor did I know they were wanted.

Q. At what distance were the men of war from Buenos Ayres on the fourth, and the morning of the fifth of July?

A. The sloops of war were never nearer than five or six miles, and they were lying in sixteen fathom water. The gun-brigs were above the town, and I believe some were a mile and half, others two miles or more from the town; when I say the town, I mean to be understood, the shore above the town. On the 5th they were nearer, and on the night of the 5th, or morning of the 6th, four gun-boats were placed very near the town, between the Plaza del Toros and the Citadel, and were within point blank shot of the Citadel. Two schooners were likewise leading down at the time the truce was made, and which would have been of service in dispersing the enemy from the church.

Judge Advocate. I think I ought to state to the Court that Admiral Murray having, in the course of his evidence, spoken of reports he received from Captains Thompson and Bayntun of the navy; I ought, in strictness, to call these officers to confirm what has been stated by Admiral Murray. At the same time, it does appears to me that the facts stated do not require confirmation, and I think all the material evidences have been sufficiently proved. I do not, however, mean or wish to deprive Lieutenant-General Whitelocke of any advantages he might derive from the testimony of these witnesses, and if he desires I shall of course call them.

General Whitelocke. I am so perfectly satisfied with what Admiral Murray has stated, that I have no desire whatever to occupy the time of the court by calling on these gentlemen.

Captain Davenport sworn and examined.

Q. Are you the senior surviving officer of the 6th dragoon guards, employed upon the expedition against Buenos Ayres?

A. I am.

Q. State the orders you received on the 5th of July, and the operations of your corps in pursuance of these orders, from the time you quitted your cantonments that morning until the close of the day?

A. I can only state the operations, for I received no orders. Colonel Kington received the orders, and I never heard them from him. On the 5th of July, the 6th dragoon guards, under the command of Lieutenant Colonel Kington, quitted their cantonments about 6 o'clock in the morning, when some delay was occasioned by Colonel Kington missing his way, and we did not arrive at the entrance of the city till 7 o'clock, when

we found two troops of the 9th light dragoons in charge of two field pieces. Lieutenant Colonel Kington took the command of the whole of the troops mounted, and entered the city. One of the field pieces was advanced in front of the column, the other was left stationary in the rear with 30 of the 6th dragoon guards and an officer; we advanced as far as the second square without any firing from the enemy: till we arrived there the silence of the town struck me most forcibly, but from that point we advanced under a regularly increasing fire from two guns in the citadel, which played upon us the whole time. Lieutenant Colonel Bradford, the Adjutant-Master-General came up with orders to Colonel Kington, the purport of which I am not acquainted with. When we arrived at the fourth square, the fire of the enemy became more heavy and destructive than it had hitherto been, and when the 6th dragoon guards attempted to advance beyond that, Colonel Kington and Captain Burrell fell. Major Pigot of the 9th light dragoons then came to the head of the column, and found it impossible to advance; the corps was retreating from the right, supposing the streets to end at right angles, and the strong reason for which retreat was that the enemy were concealed, and we could not succeed in getting into the houses. The gun in front I then ordered to the rear, and we retreated by files under cover of the houses, beyond the first square from the entrance of the street. Here we found the gun we had left in the rear, and met some troops of the 9th light dragoons, under Lieutenant Colonel Witherington, and which we had not seen on entering the town. At this period, Captain Foster, General Whitelocke's Aid-de-camp came up to the column, to whom we communicated our transactions. He immediately recommended our advancing again to a square he pointed out to me, and there to take up a position on the houses; this being effected, the house which I occupied being in a very commanding situation, I reconnoitered from the top of it, and it was from thence I first saw the British colours flying on the Plaza del Toros to the left on the right, in a position which I conjectured to be the Residencia. Colonel Bradford came to my post, which he told me he considered as tenable, and after reconnoitering every part of it, made the following arrangement: A picket of 80 men in the extremity of the square, and the two field pieces opposite to the only two entrances to the square. In the evening, Captain Foster was with me; observing a very large church, within about 50 yards of us, entirely commanding our position, he desired me to take possession of it. In consequence, I sent an officer and 30 men of the 9th light dragoons, to Colonel Witherington to know if I should occupy the church. Colonel Witherington sent back the men, and ordered a party of his own regiment to take possession of it, which was accordingly done: we remained two days in this situation, and were constantly fired at by the enemy's stragglers.

Q. At what hour did you commence your retreat?

A. About 10 o'clock.

Q. How soon after that did you see Captain Foster?

A. Immediately on our arrival at the second square, beyond the extremity of the town.

Q. How soon did you take possession of the houses?

A. With as little loss of time as possible, in about quarter of an hour.

Q. When did Major Pigot take the command of the 6th dragoon guards, which you stated he put himself at the head of, when Colonel Kington and Captain Burrell fell?

A. As soon as we met with the troops of the 9th dragoons under Colonel Witherington.

General Whitelocke declined asking this witness any questions.

Examined by the Court.

Q. How were the carbineers armed?

A. They had carbines and bayonets, and ammunition between thirty and forty rounds a man, in their pouches.

Captain Frazer called, and further examined.

Q. State the orders which you received respecting the disposal of the artillery

on the 5th of July, and what you did in consequence of these orders; stating also in your answer the number of guns you had under your command, and their calibre?

A. The return which I have already given in, included the guns taken on the 2d which were placed in position. There were, besides the guns mentioned in orders, two 6-pounders; but no further orders were received that day respecting the artillery.

Q. Where were these two guns placed, and what was their position?

A. They were place near to the guns which were taken on the 2d, on the Coral de Miserere, which is a small open space. Their position was in the line opposite the road leading into the city.

Q. How soon did you see General Whitelocke on the morning of the 5th?

A. Immediately after returning from firing the signal to advance to attack. Probably about 7 o'clock, or a little after.

Q. You stated, in a former answer, that you had received a strict injunction from General Whitelocke not to leave his side the following day. Did you observe that injunction?

A. I did not leave the side of his Excellency, except, upon two occasions, when I was by his orders sent forward to examine and report to him whether the Spanish colours on the fort were struck.

Q. At what period of the day did you receive these orders, and how long were you absent in executing them?

A. I received the first order between 2 and 3 o'clock in the afternoon, and was at that time absent not half an hour. I received the second order probably a little after 3, and was then absent full half an hour.

Q. Where did you first join General Whitelocke on that morning?

A. I first joined General Whitelocke on the Coral, where the pieces of artillery were already placed in position.

Q. Having stated that you remained by General Whitelocke's side by his express injunction, during the whole of the day, except for one hour; state as correctly as you can where General Whitelocke was during that day, beginning from the spot where you first joined him.

A. General Whitelocke was on the Coral during the whole of the day, except for a very short interval, when I understood his Excellency had retired to White's house. It was about two o'clock.

Q. How large is the Coral?

A. It is understood to be about 500 yards one way and 600 the other. The Coral is a term applied to a quarter of Buenos Ayres, and is an uncertain open space.

Q. State how General Whitelocke was employed during the whole of that day; was he riding or walking?

A. His Excellency was at first on horseback, subsequently dismounted, and continued generally dismounted during the remainder of the day, and generally was within 30 yards of the house which had been the head quarters of the second in command.

Q. Is the Coral on such an eminence as that the streets of Buenos Ayres and the march of the invading columns could be seen from it?

A. The immediate entrance of Buenos Ayres is at the distance of about 350 yards. At the end of the Coral it is higher, so that you cannot see into the town, because of the intersection of the squares, and part of the suburbs, above 150 yards. It is also intersected by high hedges and orchards.

Q. Then is it to be understood that neither the leading streets nor the columns could be seen by General Whitelocke that day?

A. Certainly they could not be seen.

Q. Then as General Whitelocke did not move from the Coral the whole of the day, and could not see any thing of the operations of the army, and you were by his side during the whole time, with the exceptions you have stated; how was he employed, with the exception of the short interval he was at White's house?

A. In the early part of the day his Excellency sent forward to the centre some of his staff, to bring information of what was going on. Towards the middle of the day a communication was opened with the brigade on the left; the officer who opened that communication returned between 1 and 2 o'clock with a

message from Sir Samuel Auchmuty, requesting a small party of artillery-men to be sent to the Plaza del Toros.

Q. How soon, after you joined him in the morning, did he give you any orders, and what were these orders?

A. I think very soon after I joined him he sent some of his staff into the centre, with orders, generally, to bring him information of what was passing.

Q. Were the orders to his staff given at once, or at different times?

A. At repeated intervals.

Q. Besides the orders to his staff, state what other orders you heard him give during the morning of the 5th.

A. I presume the communication with the left was opened by means of the orders issued. I have no doubt the officer went in obedience to order, issued by General Whitelocke. In the earlier part of the day, on my return to join him, a part of the 9th light dragoons, dismounted, were formed immediately in the rear of the artillery, placed in position; these dragoons were subsequently moved to the left. His Excellency occasionally ordered the dragoons who were about his person, to pursue some fugitive horsemen who were escaping from Buenos Ayres.

Q. What was the cause of that change of position in the dragoons?

A. These dragoons were formed about 30 paces in the rear of the artillery, with a view, as I understood, to protect it. It occurred to me that they were not advantageously stationed for that purpose, and on my observing this to his Excellency, I received his directions to desire the officer who managed the dragoons, to get in a line with the pieces of artillery.

Q. Was there at any time, in any part of that day, an alarm of an attack on any part of the reserve?

A. I do not recollect any particular alarm in the course of that day. I thought it probable that the great fugitive population of the town would fall back, on the centre being attacked in all points, but I do not recollect any particular alarm: nothing more than some scattered firing, as might be expected.

Q. Having stated that you heard no alarm of an attack, is the Court to understand that there was no such alarm as to induce General Whitelocke to give any orders on the subject?

A. Speaking of the reserve, stationed at the Coral, there certainly was not any alarm, except as I have before stated. The troops that advanced, strictly speaking, were not in the attack, they were merely to take a position.

Q. Was there, or was there not such an alarm as to lead you to give an opinion to General Whitelocke on the subject?

A. There was no alarm; but it seemed to me probable there might be, and I frequently expressed my opinion that the great mass of the fugitives would endeavour to escape from Buenos Ayres by the centre; that the guns placed in position, would in that case be instantly called into action, and I, therefore, repeatedly requested his Excellency to remove from the point of the batteries, that the front of them might be open.

Q. Is that the only advice and opinion you gave on the subject?

A. It was the only advice or opinion I gave on that particular subject.

Q. State any other orders which you can recollect General Whitelocke to have given in the course of that day?

A. I think, towards the beginning of the afternoon, Lieutenant Colonel Bradford was sent with some orders to the centre, the purport of them I do not know.

Q. You have stated that General Whitelocke remained in the same position the whole day; I have repeatedly asked you how he employed himself during the whole of that remarkable day?

A. With the exception of these particular orders, I have stated his Excellency was walking backwards and forwards, occasionally issuing his orders, and anxiously waiting the result of the assault.

Q. At what time did you leave the Coral and accompany General Whitelocke to head quarters?

A. I left the Coral about half past four o'clock, and accompanied the General to White's house.

Q. How far is White's house from the Coral de Miserare?

A. From the immediate spot where we had been standing, about 600 yards.

Q. Is White's house so placed as to command a more distinct view of the town than the Coral?

A. I should imagine the ground on which White's house stands, much about the same level; you may see from it the tops of the high buildings, but not the streets.

Q. At the time you left the Coral with General Whitelocke, had any, and what information been received by him, whether the light brigade under General Craufurd, and the 45th regiment under Lieutenant Guard had been defeated, or cut off, or succeeded in their respective objects?

A. No information was received, or had been received in the course of that day. The first information received was on the morning of the following day.

Q. After you arrived at White's house, did you remain with General Whitelocke?

A. I remained with him, almost without any exception, until his arrival at the Plaza del Toros on the following day at 1 o'clock.

Q. State what passed after you arrived at White's house, the orders you heard him give, how he was employed when you separated for the night, and all that passed during that time.

A. On our arrival at White's house, some orders were given for the more than usual protection and safety of the house.

Q. State what these orders were.

A. They were, I think, that some of the staff, should, with some men, be stationed in the court yard, and on the flat roof during the night. There were no other orders that I can recollect. I do not remember what time I parted from him, but I lay down to sleep, and did sleep in an adjoining room. Some conversation passed which related to the right flank being open, and I understood that on the following morning a communication should accordingly be opened.

Q. Can you tell from any communication that you had with General Whitelocke, why no attempt had been made to open that communication during the day of the 5th?

A. I cannot tell from any conversation I held with General Whitelocke on that day, why a communication was not opened.

Q. Was there any reason assigned, in the course of conversation, why that communication could be more readily opened in the morning of the 6th, than of the 5th?

A. There was no reason given—I do not imagine there was a reason.

Q. Having stated that you heard General Whitelocke give no other orders than such as related to the safety of the house, and a conversation respecting the opening of a communication with the right flank on the 6th, is this all you can remember of the manner in which General Whitelocke was employed during the 3 or 4 hours which you state passed between his arrival at White's house and your separating for the night?

A. Some conversation might have taken place as to the events or success of the morning, but as the communication with the right flank was mostly talked of, it made the greatest impression on my mind; these are all the circumstances within my recollection.

Adjourned until to-morrow.

TWENTY-SIXTH DAY.

THURSDAY, MARCH 3.

The Court being met, pursuant to adjournment, Captain Frazer was again called, and further examined.

Q. State what passed during the night and the following morning, until Lieutenant-general Whitelocke went to the Plaza del Toros.

A. I think once or twice during the night General Whitelocke came into the room where I was, but I do not recollect his speaking of any thing particular until day-break on the morning of the 6th. At that time I proceeded to the park of artillery at the Coral de Miserere, and was there some time occupied in making the necessary arrangements. I think his Excellency came there soon afterwards, and, dismounting, walked backwards and forwards over the same spot that he had done the preceding day. I understood that an officer and party had gone to open a communication with the right flank, and some conversation took place with respect to the events of the

preceding day. I think too that then General Whitelocke intimated his intention of going to the Plaza del Toros. His Excellency desired me to have the six-pounder and park of artillery ready to accompany him to the Plaza del Toros. I think, but am not sure, that this conversation took place before the arrival of an orderly serjeant from the Plaza del Toros, and who was the bearer of a communication from General Liniers, which I understood had been sent to General Whitelocke at the Plaza del Toros, and was forwarded from thence by order of Sir Samuel Auchmuty. General Whitelocke, on opening this letter, shewed it to me, and requested I would translate it for him. Upon looking over it, and partly comprehending it, I replied to his Excellency that I was not sufficiently acquainted with the Spanish language. General Whitelocke then shewed it to Captain Squires of the engineers, who did read and explain it to the General. There was no other person about the General at that instant, Major-general Gower being about thirty yards distant, and nearer than any other officer. General Whitelocke shewed the letter to General Gower, and I retired to some distance, as I did not wish to appear to hear the conversation that passed between the two generals. I think an answer was written to this communication from General Liniers. General Whitelocke again intimated his intention of going to the Plaza del Toros; and after some delay the column, consisting of the 9th dragoons, some mounted dragoons of the 17th, some few infantry men, of what corps I do not recollect, marched from the Coral de Miserare, at about 12 o'clock, and arrived at the Plaza del Toros, I think, about one, but the hour I am not quite certain of.

Q. Did you examine the guns at the Plaza del Toros; and if you did, state the number of guns fit for service, or that might have been made so.

A. Immediately on my arrival at the Plaza del Toros, I went to reconnoitre and examine what situations were suited to the erection of batteries against the city of Buenos Ayres. I did not myself examine the guns, but they were examined and reported to me. There were 11 pieces of ordnance from 36 to 38 pounders, which were immediately serviceable. Exclusive of such guns as had been captured at the Retiro, there were besides at the Coral de Miserare three pieces which were immediately serviceable. Of ordnance spiked, which might have been rendered serviceable, there were 10. There were, moreover, of ordnance embarked from Monte Video, and which I presume might have been landed in a few hours, 12 pieces of ordnance, making a total of 36 pieces of ordnance from 36 to 8 pounders, which last I consider the lowest calibre eligible for the purposes then required. It may be explanatory to remark, that having examined the Spanish arsenal, I reported to General Whitelocke that I possessed every means for the erection and service of such batteries as might be formed of the above, and which were proper for the purpose. No exact account of the ordnance ammunition was then taken; but afterwards, in the afternoon, such account was taken; and I did then, and do now, confidently believe there were not less than 600 barrels of powder, containing 90 pounds each barrel.

Q. Who was it made that report to you?

A. The report of the calibre of the guns that were spiked and not spiked was made to me by a corporal. I subsequently examined them myself, and found his report to be correct.

Q. What was your opinion, as an artillery officer, of the facility which the possession of the Plaza del Toros, afforded towards the establishment of batteries, and other military operations against the town?

A. I did conceive and express my opinion that the possession of the Plaza del Toros afforded every facility for the establishment of batteries against the town, the most eligible situation for erecting them being marked out by Captain Squires and myself.

Q. Were you at any time, and when, consulted by General Whitelocke on that subject?

A. Immediately after our arrival at the Plaza del Toros, at one o'clock in the afternoon of the 6th; and after going down to reconnoitre towards the banks of the Plata, from whence the fort was clearly and distinctly discern-

ible; and after going from thence to the amphitheatre of the Plaza del Toros, from the top of which I was specially ordered to come to General Whitelocke, then at the Retiro. He asked me in a general manner as to the power we possessed of erecting batteries against the citadel. I replied that I would run to the arsenal (a distance of about 300 yards), and after seeing the resources in ammunition and stores, would give his Excellency a decided answer. I did so, and did give to his Excellency the following answer: "There is an abundance of ammunition and stores, and I will pledge myself to your Excellency that between 20 and 30 pieces of artillery shall play upon the town to-morrow morning." Some objections were started, that some of the heaviest guns were spiked; to which I replied, that I would be responsible that they should be unspiked. It was observed that the city would be set on fire by them: I answered, that the experiment might be made; and that at all events the enemy must be dislodged by it from that quarter of the city.

Q. What quarter of the city did you mean?

A. That quarter which would be immediately exposed to the fire from the Plaza del Toros.

Q. State, as accurately as you can, the distance between the Plaza del Toros and the fort?

A. In a straight line about 1650 yards.

Q. Would it, or would it not, be practicable to destroy any of the traverses between the line of fire of the Plaza del Toros and the fort?

A. With a view to the destruction of the fort, it might have been practicable to erect batteries on the low ground on the beach of the Plata against the fort; but the fort was a contemptible work, which, if battered in breach must have fallen in a few hours.

Captain Squires again called, and further examined.

Q. Did you proceed from the Coral de Miserare to the Plaza del Toros with Lieutenant-general Whitelocke on the 6th?

A. I did.

Q. What was your opinion, as an officer of engineers, of the facility which the possession of the Plaza del Toros afforded towards the establishment of batteries, and other military operations against Buenos Ayres?

A. I did think it a very favourable position for the establishment of batteries; and we possessed ample means, in consequence of the capture of the arsenal of the enemy, for establishing these batteries.

Q. Would it, or would it not, in your judgment, have been practicable, with the means you had, to cannonade and bombard the town with effect from the Plaza del Toros?

A. I do think that batteries would have been effectual.

Lieutenant-colonel Torrens again called, and further examined.

Q. Were you with General Whitelocke on the 5th of July?

A. Part of the day. I was repeatedly absent from him in the course of the day.

Q. State what orders you received from General Whitelocke that day generally, as far as your memory can serve; not only as to the orders with regard to yourself, but those orders you received to communicate to others.

A. It having been reported, about nine o'clock that morning, that a body of the enemy's cavalry had formed in our rear, Captain Whittingham and I went to reconnoitre them with 16 mounted dragoons of the 17th, and about 30 dismounted of the 9th. When I proceeded a little way I found this force was more considerable than I had at first imagined; and I sent Captain Blake, assistant Quarter-master-general, to report that I thought it my duty to attack them. We were absent on this duty about three hours; and having dispersed this body, which consisted of about 300 horse, we returned to the Coral. General Whitelocke, about three o'clock, desired I would write to Lieutenant-colonel Witherington, who commanded the centre, expressing his surprise that the men were plundering the abandoned houses, and ordering him to use every exertion to prevent such irregularities.

The General then desired I would write to Brigadier Sir Samuel Auchmuty, ordering him to retain his position, and remain on the defensive till he himself should arrive the next morning. Captain Whittingham and I, with some other officers of the staff, had been walking on the Coral a little after two o'clock, when General Whitelocke came up, and said he did not like to order any person, but he would feel himself obliged to any officer who would go to the left, and bring information of Sir Samuel Auchmuty's situation. Captain Whittingham immediately offered his services, and was desired to select what he thought a sufficient escort. He took 10 or 12 dragoons, and about 30 or 40 infantry. I cannot speak with any precision of the number; and with these I understood he proceeded to the Recolita, as a marked point, and then felt his way to the Plaza del Toros, where he found Sir Samuel Auchmuty. He met several armed people in his way, who repeatedly fired at him; but having cleared the hedges with his infantry, he found no difficulty in his further progress. He thought it so essential to bring a report to the Commander of the forces without loss of time, that he left the infantry at the Plaza del Toros, and gallopped back with the dragoons. He reported Sir Samuel Auchmuty's success, in his having taken 30 pieces of cannon and 600 prisoners, with the arsenal full of stores and ammunition, and having opened a communication with Captain Thompson of the navy, who commanded the gunboats. The Brigadier-general recommended that the Commander in Chief should move head-quarters to the Plaza del Toros that night. To the best of my recollection this was the whole of Captain Whittingham's report.

Q. Did Captain Whittingham state to General Whitelocke how long he had taken in going and returning from the Plaza del Toros, and at what hour did he make this report?

A. He made his report about a quarter before four o'clock. I was not present, nor did I hear him report the transaction. He was ordered to go about two o'clock. I should have stated that Sir Samuel Auchmuty had expressed a great want of artillery-men, and a detachment of about 30 were sent to him half an hour after Captain Whittingham made his report. No other orders were given that I know of.

Q. When Captain Whittingham had made his report, did General Whitelocke give any, and what, reason for not complying with the wish of Sir Samuel Auchmuty to repair himself to the Plaza del Toros that evening?

A. I understood General Whitelocke would not quit the centre till he should receive a report from the right flank, particularly from Brigadier-general Craufurd.

Q. With the exception of this order given to Captain Whittingham about two o'clock on that day, do you know of any other attempt made by the General personally, or otherwise, to co-operate with and support the columns of the army?

A. When I returned from the pursuit of the cavalry which I have related, I heard that the carbineers and the 9th light dragoons had been pushed upon one of the centre streets, and had been repulsed with loss. About half-past one o'clock Brigade-major Costly was sent with a few dragoons to feel his way towards his right, but returned in a few minutes, and reported it impracticable. I am not acquainted with any other attempt at co-operation.

Q. Do you know the amount of the force composing the reserve on that day? By reserve I mean that part of the army which did not form any of the columns engaged in the attack, or the corps under Colonel Mahon.

A. There were about 1050, or 1100 men of the troops you allude to; but I include in that number near 100 men attached to the Commissary, and about 180 left by the different regiments in charge of the knapsacks.

Q. Did you quit the Coral with General Whitelocke on the evening of the 5th?

A. When it became nearly dark I quitted the Coral with General Whitelocke and the rest of the staff.

Q. When you stated that you did not hear General Whitelocke give any other orders, did you mean to include what passed at Mr. White's house?

A. No. I heard General Whitelocke, some time after our arrival at Mr.

White's house, give orders to his Aide-de-Camps to keep watch at the top of the house, and relieve each other every hour or every two hours. That was the only order I heard him give that night. The Lieutenant-general might have given many orders without my knowledge. I was frequently absent.

Q. Do, or do you not know of any reasons which prevented Lieutenant-gen. Whitelocke from giving any support or co-operation to the different engaging columns of his army personally or otherwise during the 5th?

A. Not having any conversation directly or indirectly on the subject of attack on that day, I am not acquainted with any of the motives by which he might have been actuated. I had understood that the Lieutenant-general waited for the reports from the different columns before he decided on any, and what, co-operation.

Cross-examined by General Whitelocke.

Q. Do you remember it being reported to me that three of our colours were flying in different parts of the town; and that our men were seen on the top of the building, where the central colours were flying?

A. I do remember the report being made by Captain Foster, and I remember to have seen the colours myself from an advanced situation.

Q. Do you remember me receiving information in the course of the 5th, and at what time, of the colours of the fort having been struck?

A. About one o'clock some one reported that the Spanish colours at the fort had struck; but I went forward myself, and perceived with my glass that they were only hanging about the flag-staff, the day being remarkably calm.

Q. Had you any reason to suppose, from any thing you heard, or any thing that passed on the 5th, that any of the general officers, or officers commanding brigades, had any doubt of the success of the attack, or any apprehension of its failure?

A. I did not hear, either previous to, or during the attack, any apprehensions expressed as to its failure, at least by any of the officers about us.

Q. Was any other artillery officer, except Captain Frazer, to your knowledge, at the Coral when the artillerymen were sent to Sir Samuel Auchmuty?

A. No other artillery officer was at the Coral at that time.

Q. About what hour was that report made by Captain Foster?

A. I did not attend to Captain Foster's report, but I saw the colours myself about half-past one o'clock.

Q. Had not all communication been cut off between the reserve and the attacking columns before that report was made? And could any communication have been opened without an armed force from the reserve?

A. I believed all communication to have been cut off before that report was made; and I do not believe it could have been kept up without an armed force.

Re-examined by the Judge-Advocate.

Q. You have stated that no apprehensions were entertained of the success of the plan: were the general officers consulted on it?

A. I was never present at any consultation of the general officers respecting the plan, with the exception of General Gower, whom I have heard speak to the General on the subject of the plan.

Q. You have stated that no apprehensions were expressed by any of the officers during the attack. Had not Captain Whittingham reported the total failure of the attack made by Brigadier-general Lumley's brigade?

A. Captain Whittingham reported that General Lumley's brigade had fallen back on the Toros, with the exception of the 88th, which had been made prisoners.

Examined by the Court.

Q. Did you write or send any order to Colonel Mahon by General Whitelocke's directions on the 5th of July?

A. None whatever.

Q. Was any intelligence received of or from Colonel Mahon previous to or during the attack, as to where he was with the column under his command; or

was it known where he was during the 5th of July?

A. No information was received from Colonel Mahon during the 5th; but it was presumed that he was posted to the eastward of the bridge, in conformity to the orders he had received the preceding evening.

Q. In the course of the 5th of July was it proposed to the General, or did the General propose to put himself at the head of the reserve to force a passage, and penetrate to the support of the several corps, who by his orders had advanced to the attack of the town?

A. I never heard, in the course of that day, of any such proposition being made to or by General Whitelocke.

Q. Did the General himself ever go forward to observe, in consequence of any reports you stated to have been made to him during the 5th?

A. He did not go forward to observe in consequence of such reports at any period while I was at head-quarters.

Q. Was the impression on the mind of the General and of the officers about him, on the evening of the 5th, when you retired to White's house, that the attack of the army had been successful?

A. General Whitelocke expressed great anxiety about the right. The impression of complete success was not, I believe, on the mind of any one person present, as we had heard of the capture of the 88th; but great hopes were entertained of a favourable position having been taken up on the left flank of the enemy, from our having seen the colours flying on our right.

Q. Do you know if any attempt had been made to ascertain whether Colonel Mahon had received the order of the 4th, or to know whether he had arrived at the place where he was ordered?

A. I do not know of any such attempt having been made on that day. Brigade-major Costley received orders at one time that day to proceed to the right, but I am not acquainted with the precise orders he received.

Q. Do you, or do you not, know whether the bridge across the Chuelo was in possession of the enemy during the time the head-quarters of the army were at White's house?

A. I did not know that the bridge across the Chuelo was in possession of the enemy, but should suppose he could not have remained there, as his retreat could be cut off from the town.

Q. Could it be ascertained whether the colours you alluded to were flying from the convent of St. Domingo or the Residencia?

A. The colours I saw were certainly supposed to be at the Residencia, as they were close down on the river.

Lieutenant-colonel Mahon again called, and further examined.

Q. Where did you receive the order dated the 4th of July?

A. At Reduction.

Q. State what you did in consequence of that order.

A. I marched as speedily as I could, and reaching the bridge over the Chuelo, and finding it standing, I took a position there about dusk on the 5th, leaving the rear guard on the opposite side of the river from Buenos Ayres, and under the comand of Major Gwyn, of the 45th.

Q. At what hour did you march from Reduction?

A. About 11 o'clock.

Q. Did you meet with any, and what, obstacles from the enemy, on your march from Reduction to the bridge?

A. None whatever.

Q. After this order, which you received at 20 minutes after 10 o'clock on the morning of the 5th, did you receive any, and what, orders from General Whitelocke in the course of that day?

A. None.

Q. That order stated that you were to take post at some distance from the bridge. What reason led you to proceed beyond it?

A. On arriving at, as I conceived, a safe distance from the river and the bridge, I sent forward Brigade-major Stewart; and finding the bridge standing and undefended, I judged it was proper to advance across with the column, leaving the rear guard on the other side.

Q. Had you any reason, in the course of the 5th, on your march towards the bridge, to know that the British forces were attacking the town of Buenos Ayres?

A. Yes. I heard the firing commence

about half past six o'clock in the morning. I could hear distinctly, as the wind blew fairly from thence to me.

Q. Were the troops under your command, in which you include the seamen, amounting to 1800, in a situation to co-operate in the attack, had you received orders to do so?

A. They were, with the exception of a few invalids.

Q. In what situation did the corps under your command pass the night of the 5th?

A. That part not on duty, as pickets or other guards, were in cantonments in very large good houses, in the village of Barracca, with the exception of the rear guard.

Q. What distance was Barracca from the Coral de Miserare?

A. I cannot state the distance correctly in a straight line. We were ordered to approach it circuitously. The village of Barracca is close to the bridge.

Q. What orders did you receive from Lieutenant-general Whitelocke on the 6th, and what did you in consequence of these orders?

A. About 11 o'clock, on the 6th, Captain Whittingham arrived with a company of the 88th, and brought me orders to march to a house which had been head quarters at the Miserare. Captain Whittingham left a Spanish prisoner to shew me a circuitous way to Mr. White's house, without approaching too close to the town.

Q. How long did you remain there; and when did you march to the Plaza del Toros?

A. I marched to the Miserare, which I did not reach till sun-set on the 6th; I remained there on the 7th, and at one o'clock on the 8th I marched to the Plaza del Toros according to orders; I did not arrive there till sun-set.

Q. Were the troops under your command, consisting of 1600 men and 200 sailors with the artillery, ever engaged with the enemy during the expedition against Buenos Ayres?

A. The body of the column was not; the flankers and rear guard had some skirmishing in the course of the march.

Q. What distance was your post of Barraccas from the Residencia?

A. I suppose about one mile and a half; not more.

Q. Had you known the situation of the 45th, could you have co-operated with them on the night of the 5th?

A. I think I could.

Captain Foster sworn and examined.

Q. Were you aide-de-camp to Lieutenant-general Whitelocke on the expedition against Buenos Ayres?

A. I was.

Q. Were you with General Whitelocke on the 5th of July?

A. I was, except during the time I was in execution of his orders.

Q. State what orders you received from General Whitelocke that day; what you did in consequence of these orders, and how long you were in the employment absent from Gen. Whitelocke in execution of his orders.

A. The first order I recieved from General Whitelocke was on the morning of the 5th. There was some firing on the left, and I was directed by the General to see what it was. I went to the left and found it was our own sentinels firing at individuals of the enemy making their escape out of the town. A non-commissioned officer reported to me that the enemy were collecting in some force further to our left and rather in our rear. I proceeded to reconnoitre their position, and found them to be about two hundred cavalry, but not formed in any regular order: they were at this time about a quarter of a mile distant. I returned to General Whitelocke and reported this circumstance. I was soon after ordered by Gen. Whitelocke to go into the town of Buenos Ayres, and endeavor to ascertain the positions of the attacking columns. This was rather before 10 o'clock I think. I went to the centre of the town, and directed myself where I heard firing. I advanced about a mile when I met a detachment of the 6th dragoon guards and part of the 9th light dragoons, retiring down one of the central streets in some confusion, I spoke to some officers, particularly Captain Davenport of the 6th dragoon guards, and learned

from him that that corps had been one of the first to attack and had failed.

Q. Did you report to General Whitelocke the situation of the 6th dragoon guards and the 9th light dragoons?

A. I did some time afterwards. I previously pointed out to the officers a place which I conceived a defensible situation, which they immediately placed their men in, having a square in front which the enemy must pass to attack them. The enemy were at the other end of it, firing occasionally grape and round shot, but very ineffectually. I then reconnoitred from the tops of those houses which were in the most commanding situations, and observed the British colours flying about a mile distant on the left. I also saw the King's colours of some regiment flying on a large building at my right, something more than a mile distant, with an intermediate position which I took to be a church, from which I could plainly distinguish the rifle corps with two or three light infantry men. There was some very heavy firing of musketry between the east position and the place from which I reconnoitred. I did not observe any troops whatever. Having made these observations I returned to General Whitelocke and reported these circumstances. This was about 11 o'clock. I was soon afterwards ordered a second time into the town by General Whitelocke, to observe whether the positions were changed, and the practicability of communicating with them. I returned to the position I had left the 6th dragoon guards and 9th light dragoons in, and found them as before stated. I then endeavored to penetrate to the right, and likewise to the left, by feeling my way with a few men; I found it impracticable to communicate with any of our troops on either side, owing to the intermediate positions of the enemy. I returned therefore to General Whitelocke and made my report accordingly. I was several times during the day, and until dark at night, ordered to report any circumstance that might arise within my observation, but nothing particular did occur, and I rejoined the General, after dark, at a house established as head quarters, called White's house, from the top of which I was desired to look out, which I did for two or three hours.

Q. In the report which you made to General Whitelocke at half past eleven o'clock, did you describe the situation of the house from which you made your observations?

A. I did; and communicated to the General that it was the position in which I had left the 6th and 9th dragoons.

Q. State as accurately as you can the distance of that house from the Coral.

A. As far as I can judge, within a mile; I may not be exactly correct.

Q. Did or did not Lieutenant-general Whitelocke make any attempt then, or at any other time during the course of the 5th, personally to ascertain the position of the attacking columns?

A. During the times I was with General Whitelocke he certainly did not.

Q. Have you any reason to know why the Lieutenant-general did not make such an attempt?

A. I have not.

Q. With the exception of the orders which you received, and the orders given to Captain Whittingham about 2 o'clock to proceed to the Plaza del Toros, do you know of any attempts made by Lieutenant-general Whitelocke during that day to communicate with the attacking columns?

A. I do not.

Q. Had you or had you not any reason to think, from the observation you made, that a communication might have been opened with one or other of the attacking columns if a proper force had been sent for that purpose?

A. I had no opportunity of knowing accurately the force the enemy had in the intermediate streets and tops of houses but from the number which instantly kept firing whenever a soldier shewed his head. I made the attempt myself and found it impracticable.

Adjourned until to-morrow.

TWENTY-SEVENTH DAY.

FRIDAY MARCH 4.

The Court being met according to adjournment, Captain Foster was again called and further examined.

Q. What escort had you when you penetrated into the town in pursuance of orders?

A. When I attempted to go to the right or to the left, I had no more than six men with me at any time.

Q. Can you judge from your failure of success in attempting to penetrate with an escort of six men, whether you might not have succeeded if you had had five or six hundred?

A. I did not think it would have been practicable without a large force: it might have been done in the environs, but through the town I should have supposed it very difficult.

Q. Have you any reason to know, that a communication might not have been opened with the right or left flank at any period of the 5th by a proper escort?

A. At the time I made my second report, I understood at head quarters that Major Costley had made the attempt and had failed altogether. I cannot state the force he had with him.

Q. Supposing Major Costley had only two or three dragoons with him, should you have considered that a proper escort for the purpose?

A. I should have considered one dragoon, or myself going singly, sufficient to have obeyed the order; but, in my opinion, there must have been difficulties in either case.

Q. You have stated that you yourself have made the attempt to reconnoitre with six men, and could not proceed. If Major Costley went with two or three dragoons would you have thought that a proper escort with a view to open a communication with any of the attacking columns?

A. If it is thought necessary I shall explain. The situations were very different. Major Costley was at head quarters in the environs of the town. I was a mile in the town, consequently the difficulty was greater. The enemy were skulking in the hedges and in all directions. He could have communicated by skirting the town; I was obliged to go through the town, but in either case I should have considered a few dragoons insufficient.

Cross-examined by General Whitelocke.

Q. How long have you been in the service?

A. Four and twenty years.

Q. Were you not lieutenant-colonel of the twenty-fourth when in Egypt?

A. I was.

Q. And did you not also serve in the active campaign in the West Indies.

A. I served nearly seven years in the West Indies, both during the war and otherwise, in the command of a light company.

Q. What was the object of advancing the ninth light dragoons and carbineers into the town?

A. The ninth light dragoons and carbineers had been stationed as a reserve. I should suppose the object of advancing them was to take up a central position. General Whitelocke did not communicate his idea to me, nor did I know they were advanced until I met them returning through the town.

Q. Did I never mention my idea to you since?

A. You may in conversation since, but never at that time.

Q. After the failure of the ninth light dragoons and carbineers, do you think that any force I had in reserve, with reference to the case of the artillery and the prisoners could have made their way through the centre of the town, and joined General Craufurd?

A. It did not require going through the centre of the town. General Craufurd's position was somewhat to the right; the sixth and ninth dragoons were perfectly efficient in the situation where they were, though they had been before repulsed. I don't think they could have penetrated through the town, but under circumstances of great difficulty, to General Craufurd's position.

Q. Did you go into the town on the 6th or 7th of July in execution of my orders?

A. I did, both on the 6th and 7th.

Q. What report did you make to me of the observations you had made on the state and disposition of the inhabitants, and the controul General Liniers had over them?

A. In the afternoon of the 7th, a Spanish officer came with a flag of truce to the Plaza del Toros about half past two o'clock, when I was in conversation with General Whitelocke, and brought a representation from General Limers that the British force within the town had fire and actually shot two Spaniards, and complaining of this conduct as a breach of the truce, which, if persisted in, he could not be answerable for the lives of the prisoners. I was ordered to return with the Spanish officer, taking with me an escort and a flag of truce, with an assurance to general Liniers that the circumstance was unknown at head quarters, and must have arisen through some mistake. On arriving at the great square leading to the fort, I found it occupied by three or four thousand of the armed rabble, who in a most insulting way refused to acknowledge the flag, or allow me to pass. They at the same time insulted the escort and myself, by spitting at us and firing over our heads as it were to intimidate us. We were in this manner detained nearly half an hour, when two Spanish officers mounted, with some dragoons, came and conducted me to the barrier of the fort, which on being opened the rabble forced their way before me, and it was with some difficulty I was conducted to the room where General Liniers was. The avenues were crouded by the rabble who were calling out for *Signora Peck*, meaning Colonel Pack. General Liniers was at this time talking with some of the rabble who had forced their way into the room, where there were a number of British officers, and he at that moment seized one of the most turbulent of the rabble by the neck and threatened him. I delivered to General Liniers the orders I had received from General Whitelocke, which he apparently explained to the mob who had broken into the room, and who seemed in some measure tranquilized by it. There were at that time two or three priests standing about Colonel Pack's chair, I supposed for the purpose of protecting him: the party had been dining and the cloth not yet removed. I asked for a Spanish escort, which had now become absolutely necessary with my own, and obtained it. On re-entering the court yard going into the great square, I found the violence of the mob apparently very much increased: they insulted us in the same manner, and I was detained more than an hour, during which I thought we should have fallen a sacrifice to their rage, and it was not without the greatest exertions of the Spanish escort, that we were allowed to go forward. It was dark before I reached head quarters, when I made this report nearly in the same words I have now repeated.

Q. Was the treaty signed at that time?

A. The definitive treaty did not reach head quarters until after eight o'clock that night—it had not been signed at that time.

Q. How long was it after you returned from Buenos Ayres to head quarters, before the definitive treaty was signed?

A. I did not make my report until dark, and the definitive treaty was not then signed.

Q. Was the definitive treaty signed that evening or not?

A. I cannot speak to a certainty, but I believe it was.

Q. After your return from the town, did any Spanish officer come to head quarters that evening?

A. I don't know. Colonel Pack came, but I do not recollect any other.

Q. You have stated that in the afternoon of the 5th, you met the carbineers and the 9th light dragoons retiring. Do you know what proportion of the 9th dragoons were engaged in that service?

A. I believe one squadron. After making my first report at head quarters, I found the whole of that regiment in that position.

Examined by the Court.

Q. Did you when you went into the town in the evening of the 5th observe if the British colours had been taken down from the Convent of St. Domingo; and if so, did you report that circumstance to Lieutenant-general Whitelocke?

A. I never saw any colours in the Convent of St. Domingo. The only colours I saw were the King's colours of a regiment flying at the Residencia, and they continued flying as long as I could see that evening.

Q. Your former answer was that you saw our men on the top of the centre buildings?

A. I did so. I saw rifle-men acting on the steeple.

Q. Did you see them in the evening?

A. I did not. A thick haze came off the river which made it difficult to see?

Q. Do you know if the firing of cannon on the dismounted dragoons was from the fort?

A. There was no firing of cannon on the dragoons when I was with them. The enemy had brought out a field piece, but the fire was very ineffectual.

Q. Are you of opinion or not, that Lieutenant-general Whitelocke had the means in his power to open a communication with Brigadier-general Craufurd in the course of the 5th, if he had exerted himself for that purpose? You are not to apply your answer to any attempt that could be made through the town, but in any other way?

A. I am not aware that General Whitelocke knew the position of General Craufurd. Without General Whitelocke's whole force it would have been difficult, and though I think he might with his whole force have penetrated to the position, it must have been attended with great difficulty and loss. This, however, is mere matter of opinion.

Question by General Whitelocke by permission of the Court.

Q. When you reported the house from which you had a view of the town, did Lieutenant-general Whitelocke express any inclination to go to that place?

A. On my making my report to General Whitelocke he did not express any inclination to go thither. My reconnoissance was not confined to one house only, but referred to many.

Q. *By the Judge Advocate.*—Had you any means of knowing whether the enemy were in any force between head quarters and the Residencia on the skirts of the town?

A. I had no means of knowing what force the enemy had farther than the straggling fire that was kept up during the whole of the morning.

Q. How then can you tell that a co-operation with Brigadier-general Craufurd would have been difficult by marching along the skirts of the town to the Residencia?

A. Some parts of the town must have been passed through, and the enemy were prepared in all quarters. I have already said that it might have been done with difficulty; the enemy were so well prepared in all points on the tops of houses, &c. to the right and left.

Q. Did you or any of the aide-de-camps of General Whitelocke receive any order to penetrate at all risques to the column under Brigadier-general Craufurd, or any of the other columns on the right?

A. I know of no orders to that effect.

Captain Whittingham further examined.

The Judge Advocate intimated to the Court, that as the witness was prevented by indisposition from attending yesterday, he had examined Colonel Torrens to the substance of the report which was made by Captain Whittingham in his presence; but he had not been able to state the whole with accuracy. He therefore thought it would save the time of the court by now reading over that part of Colonel Torrens's evidence; and should there be any omission, Captain Whittingham would have the opportunity to amend and correct it.

The minutes of the evidence by Colonel Torrens were then read.

Captain Whittingham.—I have nothing to add. We marched from the Coral at half past two o'clock. I arrived at the Residencia at four o'clock, and returned directly.

Q. Had you any and what conversation with Lieutenant-general Whitelocke on your return, on the subject of his going to the Plaza del Toros that evening?

A. I communicated to him that it was Sir Samuel Auchmuty's desire that he would go to the Plaza del Toros, but I had no further conversation with Lieutenant-general Whitelocke on the subject.

Q. Did you give any opinion of your own to General Whitelocke as to its being practicable or safe?

A. I did not. As I had returned with the dragoons alone, I thought there was no question about that.

Q. State the orders you received to open a communication with the right flank, and what you did in consequence of those order, the strength of the escort you took with you, the time it took to perform that service, and the difficulties of any kind which you met with in the performance?

A. On the morning of the 6th, soon after day break, about half past six o'clock, I marched from Mr. White's house, with 10 dragoons and 50 infantry. My orders were to find out Colonel Mahon, and desire him to advance to the Miserare without loss of time. I was then to proceed to the Residencia, and afterwards to whatever position the army might occupy. I arrived at Colonel Mahon's out-posts, and was conducted to his head quarters near the bridge, where I communicated to him General Whitelocke's orders; and leaving with him 30 infantry who had accompanied me, I received 100 of the 40th. About one o'clock I reached the Residencia, where I found seven companies of the 47th, under the command of Majors Tolly and Nicholls, and I there learned, that on the morning of the 5th, an English flag had been seen flying in a northerly direction about the distance of 1800 yards; that Colonel Guard had advanced in that direction, with the grenadiers of the 45th, and had not returned; and that the flag had been struck between three and four o'clock the same day. While I was at the Residencia, the enemy endeavoured to bring cannon against the Convent, but Major Nicholls charged them and took two howitzers. Majors Tolly and Nicholls having given it as their opinion, all circumstances considered, that it would be in vain for me to attempt to penetrate in search of General Craufurd, I at four o'clock began my retreat, and at half past six arrived at the Miserare, which I found occupied by Colonel Mahon's brigade. I repeated to Colonel Mahon the strength of the Residencia, and the able manner in which that position had been occupied by Majors Tolly and Nicholls; the provisions they had found in the convent and the adjacent houses; the ease with which a communication could be opened with the navy; the two guns and howitzers that had been taken; the want they had expressed of an artillery officer; the advantage they would derive from his assistance, and also of a reinforcement. Colonel Mahon immediately replied, that next morning at day light, a reinforcement of 300 men, and an artillery officer should be sent.

Q. Did you or did you not offer to Majors Tolly and Nicholls at the Residencia, the infantry you had brought with you, and attempt your retreat with the 10 dragoons, the only remaining part of your escort?

A. I did.

Q. At the time you made this reconnoissance had all operations against the town by attacking the columns ceased?

A. I cannot positively answer that question. I left the Miserare at daylight, and it was not possible for me to know.

Q. Describe to the Court what obstacles you met with from the enemy or otherwise in performing this service; and your line of march both in going from and returning to the Residencia; the distance from Mr. White's house to the bridge; from thence to the Residencia, and from the Residencia to head quarters.

A. Generally the houses were occupied by armed men, and in the road were some loose parties of horsemen; but no obstacles of any consequence opposed us. I employed the infantry as flankers, and the dragoons were quite sufficient to clear the roads. From Mr. White's house to the bridge was between five and six miles; from the bridge to the Residencia rather more than two miles, and from the Residencia to Mr. White's house about four miles.

Q. From the observations you made in performing this service, is it or is it not your opinion that a communication might have been opened with the Residencia from head quarters on the 5th?

A. I think it might have been opened; because at the time I went the enemy's force was more disposable

than after the surrender of the light brigade.

Q. Did Lieutenant-general Whitelocke make any, and what attempt personally or otherwise, to co-operate with and support the different columns of his army engaged in the attack of the 5th July, with the exception of the two orders to which your evidence has applied.

A. I understood that Major Costley had been ordered to the right.

Q. Is that the only attempt that you know of?

A. It is. Captain Foster was sent down the centre; but, except then, I know of no other attempt after the retreat of the 6th dragoon guards, and the 9th light dragoons.

Q. If Major Costley had been sent to the centre, with only two or three dragoons, should you have thought that a proper escort to open any communication with the attacking columns?

A. I should think not: It was impossible for dragoons to act in that inclosed country, without having some infantry to act as flankers.

Cross-examined by Lieutenant-general Whitelocke.

Q. When did you receive orders to go to the right on the night of the 5th?

A. I received my orders on the evening of the 5th. Between twelve and one o'clock at night General Whitelocke came to me and desired I would make myself particularly master of the distances and bearings of the rout I was to take the next morning. He also desired I would send for an intelligent person who was then in the house, and question him minutely on the subject.

Q. What reason did Major Nicholls assign for not permitting you to leave your 100 men, after having expressed his wish for a reinforcement?

A. Major Nicholls felt so much confidence in his position, that he was not very anxious for a reinforcement, and said it would be of more consequence to ensure my return to head quarters with my report.

Examined by the Court.

Q. Did you return from the Residencia by a different rout from that you marched from the bridge?

A. I did; night was coming on, and my party was much stronger; therefore I returned by a shorter road nearer to the town.

Q. When General Whitelocke desired you to make yourself acquainted with the bearings and distances of the rout you were to take on the morning of the 6th, did he himself communicate any information on the subject?

A. The person I sent for was examined before Lieutenant-general Whitelocke, and was perfectly acquainted with the country.

Q. Did you know of any greater difficulty in proceeding to the right flank, than you had met with in going to the left on the 5th?

A. There were more mounted men on the right, but the opposition they offered was not worth mentioning.

Lieutenant-colonel Bourke further examined.

Q. Were you with Lieutenant-general Whitelocke during the 5th of July.

A. I was.

Q. Will you state to the Court any military circumstances exhibited with the charges connected against General Whitelocke, which occurred from the morning of the 5th, to the conclusion of the treaty: including in that statement, all the operations of the army, the means used, and the personal exertions of the Commander-in-chief to co-operate with and support the different columns in the attack upon the town, the orders given for that purpose, and the movements and station of the reserve or other divisions of the army, not immediately engaged in the attack.

A. Soon after the signal guns had been fired, on the morning of the 5th, I stated to the Commander of the forces, that the different columns had all marched off, and that the carbineers and 9th light dragoons, were stationed in two streets allotted to them in general orders. And I stated, that soon after that, I perceived the gun-boats as I supposed, moving up to cover the 38th regiment. About ten o'clock in the day, I saw the carbineers and the 9th light dragoons,

returning from the unsuccessful attempt they had made in the centre street; they were halted about five hundred yards in front of the ground from which they had originally started, and I believe the whole number stationed at that place was about six hundred. There were about one hundred and fifty more of the 9th light dragoons stationed at the Coral de Miserare, where the Commander of the forces himself was. About half past two o'clock, I was present when the Commander of the forces sent Captain Whittingham to the left. I do not recollect any other circumstances occurring on that day, which I could give in answer to this question. I think about one or two o'clock on the morning of the 6th, the General desired me to write some orders, which he dictated, and which were given to Captain Whittingham, who was sent off at day-break on that morning. About ten o'clock the same day, the General moved to the Plaza del Toros, with a small escort of dismounted dragoons, and I think with two six-pounders, and some few mounted cavalry. Nothing particular occurred upon this march. I understood from a conversation I had with the General before the march, that his intention was to keep his left on the Plaza del Toros, and to draw close all his remaining forces towards that point. I do not remember any particular military occurrence at the Plaza del Toros, during the four days I remained there. I sailed for England on the 10th of July. I should perhaps have observed, that on the morning of the 8th I settled the line of demarkation of the advance posts of the two armies, with a staff officer sent out by the Spaniards for that purpose.

Q. Do you know of any personal exertions made by General Whitelocke, during the 5th, or of any other attempts than those you have described, to co-operate with, and support the different columns of his army, who by his orders had entered the town on that day?

A. I do not know of any exertion made by General Whitelocke in his own person. I believe he sent General Gower's Brigade-major with a message to the right, and I perceived he sent Captain Foster frequently into the town of Buenos Ayres; but I was not present when he gave their orders to either.

Q. Do you know why Lieutenant-general Whitelocke used no personal exertions or means, other than you have described for the purposes stated in the last question?

A. I do not.

Q. If proper means had been adopted for uniting the corps under Colonel Mahon to those at head-quarters, would it not have been in the power of General Whitelocke to have forced his way into the town, and joined the British forces; or would it not have been in his power to have forced his way with these corps to the Residencia, on the morning of the 6th? And would not such exertion on his part have been the best means of rendering assistance to the attacking columns, and to have restored the fortunes of the day.

A. I believe if proper means had been adopted, there would have been no great difficulty in uniting the corps under Colonel Mahon, with that near head-quarters on the 4th, or early in the morning of the 5th. What effect an attack from that corps might have produced, is more than I can presume to say, never having seen the defences of the enemy. I believe there would have been no difficulty on the morning of the 6th, even with a much smaller force, to have communicated with the Residencia.

Q. Would not the bringing of Colonel Mahon's corps in to such a position as that it could have co-operated with one or other of the attacking columns, have afforded a better chance of success to the attack?

A. Certainly it would.

Q. Were you ever consulted upon the treaty?

A. I was shewn the first letter sent by General Liniers on the morning of the 6th of July: the Commander of the forces asked my opinion of it in presence of General Gower, and I told him I thought he ought to refuse the summons, and repeated to him the situation of the remainder of the force to the left. General Gower observed that he was of the same opinion, and that an answer to that effect was going to be sent off: which answer, with some few trifling alterations, was sent. I was no further consulted by General Whitelocke on the subject of the treaty.

Q. Did you give any opinion to General Whitelocke upon that subject?

A. Nothing further than that I have stated, until subsequently on his return to Monte-Video.

Cross-examined by General Whitelocke.

Q. Were there not mounted troops of the enemy on our flank and rear during the whole of the 5th of July?

A. There were, in considerable numbers.

Q. What force had I at the Coral with the artillery on the 5th, for the protection of the guns and the sick and wounded?

A. Exclusive of the 600 which I have stated to have been in the centre streets, there were about 320, in which I include 83 dismounted dragoons, attached to the Commissary-general.

Q. How were the men attached to the Commissary-general armed?

A. I think with carbines only.

Q. Did you hear either before or on the 5th of July, any doubts expressed by any of the officers as to the success of the attack, and what was the fate of General Craufurd's brigade at the close of the attack?

A. I never heard any doubt whatever expressed of the success of the attack, and I remember a little before sun-set on the evening of the 5th, the General expressing some anxiety to his General Officers as to the fate of General Craufurd's brigade, he told me he had a great dependence on the skill of General Craufurd, and that he hoped he should soon hear of his being well posted.

Q. Did you particularly examine the ground we occupied at the Plaza del Toros? State what command it had over the city of Buenos Ayres?

A. I examined that ground very carefully. The Plaza del Toros was situated on the side of a ravine, and great part of the town was on the other side. The side of the Plaza was the steepest of the two, and from that circumstance it commanded the distance of about five or six hundred yards to the opposite side, and at the distance of eight hundred yards on the other side. It possessed no other advantage whatsoever.

Q. From your knowledge of the ground in the environs of Buenos Ayres, could you have so occupied the ground even with the whole force, as to cut off supplies from the town before the 5th of July?

A. I should conceive from the great extent which it would be necessary to guard, probably not less than five miles; from there being at least thirty roads within that distance, leading from the country into the town; from the garrison of the town being on the smallest computation, more than double the number of the assailants, and from the circumstance of the enemy having a large body of regular cavalry constantly harassing the rear, that such a blockade could hardly be successful. It is also necessary to state that, at the season of the year we appeared before Buenos Ayres, all the towns in that province are generally filled with grain; it being the custom to bring it in from the country before the rains set in, and the roads are broken up. We had likewise been informed before we left Monte Video, that the enemy was establishing magazines of provisions in the town.

Re examined by the Judge Advocate.

Q. Were the mounted troops referred to in the answer to General Whitelocke's first question, and the three hundred which Lieutenant-colonel Torrens and Captain Whittingham dispersed on the 5th, all of the same description?

A. I believe they all were.

Q. Is it o. is it not your opinion, that it would have been practicable to batter and bombard the town with effect, by a combined attack by sea and land, on or after the 5th of July?

A. I believe it would have been practicable to have destroyed a number of houses, but not to set the town on fire.

Examined by the Court.

Q. Were you near Lieutenant-general Whitelocke on the 5th of July, and were you acquainted with the order for the attack on Buenos Ayres on that day?

A. I was near General Whitelocke the whole of that day, but only a short time in conversation with him. I was acquainted with the orders.

Q. Did the orders direct the columns to penetrate down to the river and to the fort, and there to occupy the nearest buildings, and wait for further orders?

A. The orders did not express that they were then to wait for further orders; but it must have been so understood.

Q. Did you soon perceive that the communication between General Whitelocke and those corps, was intercepted by parties of the enemy?

A. In less than half an hour after the troops marched off.

Q. Did it strike you as important in any part of that day, that General Whitelocke should have put himself at the head of the staff and his remaining troops, and at all risques to form a junction with the army, that he might ascertain the effect of the attack, concur in their efforts, and share in their fate?

A. As early as eight o'clock in the morning, when I found the fire continued very heavy in the town, and that we received no intelligence from the Brigadiers commanding, I thought there was a necessity for communicating with them, and that necessity increased as the day advanced; and if it could have been obtained, it was in no other way than by the General placing himself at the head of his troops, which in my opinion ought to have been attempted.

Q. Do you know whether such necessity ever struck the Lieutenant-gen. or whether it was pointed out to him?

A. I cannot say whether it ever struck him or not, but it was not pointed out to him in my presence.

Q. You were near the person of Gen. Whitelocke: can you then state in your opinion the cause which induced him to remain stationary in the rear, instead of forcing his way to his army, and sharing their fate?

A. Although I was never far from the General during that day for any considerable time, yet I had so little conversation or communication with him, that I cannot attempt to assign any grounds for his conduct.

It being now near three o'clock, the President rose, and addressed the Court as follows:

"It is now three o'clock, and the Court is adjourned; but as to-morrow is appointed for the interment of the remains of our late distinguished and lamented member, Lord Lake, and as a mark of respect to the memory of that illustrious and great character, who was a fellow labourer with ourselves, and who, as the poet expresses it, united "the gentlest manners with the bravest heart," I should propose, that the Court do meet in mourning. Satisfied that there will not be heard one dissentient voice to this proposition, the Court is adjourned until to-morrow at ten o'clock precisely."

TWENTY-EIGHTH DAY.

SATURDAY, MARCH 5.

The Court being met pursuant to adjournment, in military mourning, according to the resolutions of the preceding day, the deputy read a letter from the Judge Advocate, stating, that he was confined to his bed by a sudden and severe indisposition, and lamenting the necessity he was under of requesting the Court to postpone the proceedings of that day.

The Court was in consequence adjourned until Monday morning.

TWENTY-NINTH DAY.

MONDAY, MARCH 7.

The Court being met pursuant to adjournment, Lieutenant-colonel Bourke was again called, and further examined.

Judge Advocate.— I understand from Colonel Bourke, that he wishes to correct part of his evidence of the former day.

Colonel Bourke.— In that part of my direct examination, when I was asked whether if proper measures had been adopted for uniting the force under Colonel Mahon, and if the General had

forced his way into the town, would such exertions on his part have been the best means of rendering assistance to the attacking columns, and restoring the fortunes of the day? I have answered that I could not presume to say what effect an attack from those corps might have had, never having seen the defences of the enemy. I beg leave to state, that as I then understood the question, it was, that if Lieutenant-general Whitelocke's object had been merely to open a communication? I now wish to add, that in my opinion, a communication might have been opened at any time on the 5th, with any of the troops; and I have further to state in reply, that by means of the united forces of Colonel Mahon and the reserve at the Coral, a communication might have been effected with the British troops in the town, and that a co-operation of that force would have afforded the best means of success.

Q. Had General Whitelocke, when at White's house, concentrated his forces, might not he have occupied the roads between the Chuelo and the Recolita so as to have cut off supplies of provisions from being brought to Buenos Ayres in that direction?

A. I believe the distance between the nearest part of the Chuelo and the convent of the Recolita was at least seven miles; and I do not conceive that with his whole force of 7500 men it would have been possible to have closely guarded such an extent; nor do I think it would have been possible to have so broken up the roads as effectually to intercept supplies.

Lieutenant-colonel Bradford further examined.

Q. Were you with Lieutenant-general Whitelocke during the 5th of July?

A. I was.

Q. State to the Court any material circumstance connected with the charges against Lieutenant-general Whitelocke, which occurred from the morning of the 5th to the conclusion of the treaty; including in that statement all the operations of the army, the means used, and the personal exertions of the Commander in chief to co-operate with, and support, the different columns engaged in the attack on the town; the orders given for that purpose, and the movement and station of the reserve, or other divisions of the army not immediately engaged in the attack?

A. On the morning of the 5th I accompanied General Whitelocke to the Coral. The troops had advanced according to orders, immediately on the cannonade, about half past six o'clock, and at the commencement of which I was directed by General Whitelocke to go to the right, to see whether the troops wanted any assistance to direct them into the roads leading to the different streets. The two regiments on the right were the 45th and 6th dragoon guards. The 45th had quitted the Coral, and advanced towards the town; the 6th dragoon guards having mistaken their way, I pointed out to them the direction they ought to take, after which I returned to General Whitelocke, and made my report. About nine o'clock General Whitelocke, being anxious to know what was passing in advance, I proceeded from the Coral to the street leading to the north-west angle square. Into this street I advanced some way, and found the 6th dragoon guards, and a detachment of the 9th light dragoons with one six-pounder. The enemy were at this time firing some musquetry from the houses, and grape from the battery in advance, but it was ill directed. Several houses had been broken open by the soldiers, and I went to the top of one nearest to this post, from which I discovered what I took to be our rifle men, on a building to the right, and at some little distance in the front; but the morning being hazy, and a great mass of buildings being in our front, I had but an imperfect view. I then returned to General Whitelocke, and made my report. He then directed me to order the 6th dragoon guards and 9th dragoons to advance. I reported to him that the street was so bad that the gun could not keep up with the column; he therefore desired the gun to be left under a proper escort, and the column to advance without it: accordingly I returned and gave these orders, and also directed that Lieutenant-colonel Witherington should advance with his corps, and lodge himself as far as possible in the town. On the evening of

having some important business which called him out of town, I have thought proper to dispense with his attendance. The fact I meant to have called Colonel Browne to have proved was, that Monte Video was well and sufficiently garrisoned and provisioned against attack, and was not in a state of blockade or siege at the period of signing that treaty.

The following minute was then ordered to be entered and read:

"It is admitted by Lieutenant-general Whitelocke that, at the period of the treaty, the fort of Monte Video was well and sufficiently garrisoned and provided against attack, and was not at such period in a state of blockade or siege."

Judge Advocate.—"I am now to inform the Court that I here conclude my evidence, and the Court will decide when Lieutenant-general Whitelocke shall enter on his defence.

After a short pause, the President addressed the Court.

"As General Whitelocke requires until Monday next to prepare for his Defence, the Court is adjourned until that day at ten o'clock precisely."

THIRTIETH DAY.

MONDAY, MARCH 14.

THE DEFENCE.

The Court being met, pursuant to adjournment, and GENERAL WHITELOCKE having taken his place, began to read his Defence as follows.

SIR WILLIAM MEADOWS, and General Officers of this Court,

THE satisfaction I feel in being at length permitted to claim the attention and indulgence of the Court, is proportioned to the anxious impatience with which I have looked forward to this opportunity of explaining my conduct in South America, and the causes that led to the result which constitutes the subject of the present investigation. The disappointment of the hopes I had entertained of the success of an expedition, upon which such expectations, in every point of view, military, political, and commercial, had been formed, had prepared me to meet a strong and general feeling corresponding with my own; the natural and almost necessary attendant upon public disappointment and misfortune. I had prepared myself also to hear the clamours of the disappointed, and strictures upon my conduct from those whose wishes and interest led them to judge from events only, without any adequate means of information; but feeling conscious that I had zealously endeavoured to perform my duty, and that in the ultimate sacrifices which adverse circumstances had induced me to make, I had disregarded all interested considerations, and been actuated only by public motives, I confess it was with surprise as well as mortification, that I found, on my return, that the opinions which had been so industriously propagated as to my conduct in South America, had, in some degree, been entertained in higher quarters; that calumnies the most injurious to my character had been made the subject of official discussion; and that no individual having offered to stand forward as my accuser, proceedings (novel in our military jurisprudence, however they may be sanctioned by other courts,) were adopted, for the purpose, as it should seem, of collecting evidence to convert those calumnies into matters of charge. While I was absent, the conduct of myself and others had been prejudged, and made the subject of intemperate, of premature, discussion in the daily papers, and I had, without a trial, or even enquiry, been held up to public indignation and scorn, as having disgraced myself and my profession, and the military character of my country. As soon, however, as it became known that the government had determined that an investigation of my conduct should take place, the editors of the public papers, actuated by a sense of decent propriety and common justice, immediately forbore any further comments. But a subaltern officer, who served in the expedition, thought fit, with a full knowledge of my being under arrest, and therefore to all purposes of law and justice upon my trial, to publish a libel upon the conduct of myself and others, for the express purpose of procuring a profit to himself at the expence of a gross violation of every principle of honour or feeling, and of the laws of the country, endeavouring to keep up and excite the strongest prejudices of the public against me: and a field officer of another regiment has felt no shame in patronizing this libel, and distributing it with the greatest industry.

Irritated as I necessarily was at these unmanly attacks, and at hearing the mis-

representations upon which they were founded, and anxious as I must be to retain the good opinion of my country, I yet felt that a regard to my own character and situation, the respect due to the illustrious personage at the head of the army, and to my sovereign, and in a case like this, (where the public is so deeply concerned) still more, perhaps, the respect due to this honourable Court, imperatively called upon me to await in silence the opportunity which I found was to be afforded of explaining to my sovereign and the country my conduct in the command which had been entrusted to me.

I therefore forbore to answer any of the calumnies which have been propagated against me, or to sanction any publication or paragraph upon the subject, and retired until the approach of this trial into the country, denying myself even the gratification of associating with many valuable friends who have been anxious to shew themselves superior to the prejudices excited by popular clamour, and to mark their attention to me since my return. I mention this thus pointedly to prevent any possible suspicion being entertained that I could sanction, or had any knowledge of a vindication which has been published by some person wholly unknown to me. I am the more anxious to do this, as the publication alluded to contained strictures upon the conduct of others, and I trust, therefore, that the Court will excuse my having occupied a few moments of their time upon this subject.

The knowledge that my motives and conduct were to be submitted to, and judged, by a tribunal composed only of persons competent, from their rank in the service, their habits, their experience, and talents, to form a just estimate of all the peculiar circumstances which form the subject of the present investigation, supported me during an anxious period of suspense and procrastination.

I considered my trial as an appeal from popular clamour, (for such I cannot but call it as applied to me before either trial or enquiry) to honourable and candid minds, divested of all those feelings and prejudices which sway and direct the course of public opinion, and I confess I had flattered myself that I should, in this respect, have found a protector even in my prosecutor, that, considering his anomalous, and (I hope I may without offence say) his almost incompatible duties, he would, in the character of an adviser, and an assistant to the Court, have divested himself of every feeling connected with public prejudice, and that, acting in the capacity of prosecutor, he would have permitted my trial to commence without the extraordinary comment which excited so much surprise, I believe, in all who heard it; a comment, which, in the situation he fills, and considering the last character he is to sustain after the proceedings are completed, and your deliberation commences, of an adviser, on points on which you may require his assistance, I can hardly think could be deemed justifiable at any period of such a trial, or after any evidence, however strong, which could have been produced.

The Judge-advocate-general stated, indeed, that he should follow the example of his predecessors upon similar occasions, abstaining in that stage of the proceeding from any detailed observations upon the charges. The only case of importance, I believe, in which a Judge-advocate has stood in a similar situation to the present, was on the trial of the late Lord Sackville, on which occasion the late Sir Charles Morgan, then Mr. Gould, made no address whatever to the Court on the opening of the prosecution, and in his reply most studiously avoided offering a single observation that could, in the most distant way, be considered an address to the passions of the Court, although the circumstances which gave rise to that trial had excited more of popular feeling than any which had before occurred, so much so, as to leave it possibly for ever a subject of historical dispute, whether the judgment even of the Court was not, in some measure, influenced by that feeling.

I put it to the liberality and candour of the right honourable Judge Advocate, whether I have not some little right to complain, and cause to lament, that he had not followed the example of his predecessor, and abstained from stating to the public (for such an address could not be intended for the Court) that hopes had been (as he was pleased to

justly, as well as generally, enter-
l, of discovering new markets for
nanufactures, and giving a wide
to the spirit of mercantile enter-
and opening new sources of trea-
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e and implacable spirit of its inha-
s towards us, has proved that those
were completely fallacious; that
d abstained from calling in aid of
charges the daily attempts to ex-
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c misfortune by the accumulated
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pursued, and, I may say, con-
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or enquiry, they will forgive my
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dice; and if I have been culpable, it
cessary for the purpose of ascertain-
ing the degree of my offence, and of presenting to the public authentic materials upon which a Court's judgment may be formed of my conduct. A great and important expedition has failed; the reasons of its failure are to be sought for in the measures of the person responsible to the public for its success, and no difficulty could have arisen (indeed none did arise) in selecting the particular events and parts which appeared to have led to this failure as grounds of charge against myself, and for which I was to account. I did not complain because I did not feel that I had a right to do so in such a case; of additions being made to the particulars so selected after my first receipt of the charges, which with a candid liberality had been delivered to me as soon as framed, for the purpose of enabling me the better to prepare for my defence; but I had hoped when I read the charges finally settled, containing such specifications, and with such epithets as could not but excite feelings of mortification, which could hardly be increased, even by any sentence of this Court, that I had seen all which was to be alledged against me; and little did I expect or imagine that I was to be called upon to recollect and defend every act, every order, every expression, and almost every thought, not of myself only, but of others; every detail, however minute, and whether it had a right, or ought to have been brought under my cognizance as Commander, or not; in short, as the Prosecutor has avowed and stated, not merely the cause which prevented the reduction of the province of Buenos Ayres, but my whole conduct in the expedition; an investigation now, and as he truly stated, for the first time, and I hope for the sake of justice, for the last time, instituted in a military court, still less could I suppose that the protection of the Court could have been necessary to prevent a Prosecutor, educated in legal habits, from pursuing me even to my private moments, and requiring my secretary to state all the conversations that, in the confidence of our relative situation, had passed between us; and yet it is at this point only, and through the interposition of the Court that the Prosecutor has stopped in his enquiry. I entreat the

Court calmly and candidly to review the evidence, and to separate (no easy task) that which is applicable to myself, from that which applies only to others, but more particularly to separate the evidence of opinions as to our operations, founded upon the experience acquired by misfortune, and not upon any thing that was or could be previously known before the operations took place, and upon which alone I could have acted, and by which alone I am to be judged; to advert, in short, to all the evidence which applies the result and subsequent knowledge, instead of previous information, as the interim by which the propriety of the measure adopted is to be tried. Let it not be said that this arose out of the nature of the prosecution, for if it did, nothing can more strongly evince the injustice of such a course of proceeding; the Court lose the benefit of his legal assistance, upon the subject on which it is most useful, and the witnesses his direction and controul; the accused has no protection against it; a natural jealousy of any interposition which might bear the most distant appearance of shutting out any investigation, however remote its application, prevents the possibility of his interference. I hope I cannot be accused of having interposed captious or trifling objections; I have studiously endeavoured to avoid doing so. The Court in elaborate narratives, on such extended grounds, comprising every act and word, can hardly interfere; they are naturally cavilling to interrupt the Prosecutor, or interfere with the course of proceedings, or mode in which he has prepared himself (upon mature consideration, it must be presumed) to bring forward the evidence, more particularly as he is the person to whom they look for advice. The witness, unless possessed of legal as well as military knowledge, cannot distinguish between that which he is justified in stating, and that which is not evidence as against the person charged. It is to be supposed that he had adopted this course upon full consideration.

I could not hope, by an objection hastily interposed, and stated to alter an opinion formed upon long deliberation, and I therefore, in fact, lose the benefit of the protection to which I should have been entitled, and which I should have had, if the Judge Advocate had not also been my prosecutor. The necessary consequence (and against which I have no protection) is, that every occurrence, every irregularity, every conversation of others is brought forward, and contributes to make an aggregate most prejudicial to me, not merely with reference to the protraction of the investigation, (in itself no trifling evil) but also in the impression produced, even on those most capable of discriminating that which is applicable from that which is not. I might with confidence ask every member of the Court, whether he can possibly wholly divest himself of general impressions arising out of such a course of uncontrouled evidence, and whether the necessary consequence of such a mode of proceeding, is not to give a colour and unfavourable complexion to all the errors I may have myself committed: whether it has not an inevitable tendency, even with the strongest minds, to load me with all the errors which may have been committed by others, as well as myself, from the first hour of my landing, to my quitting the continent of South America. I am well aware that no such impression will operate upon the final judgment of the court; it can only produce in high and honourable minds, a jealous watchfulness to prevent any such feeling influencing the consideration of the real merits of my case: but though no improper effects will be produced on the minds of the Court, such a course of proceeding must produce a strong impression upon the public, already too much exasperated against me. But in addition to this consideration, I ask those honourable members who have either commanded or accompanied in high stations, important expeditions and military operations, whether any expedition, or long train of military operations, however successfully terminated, could stand the test of such an inquiry so conducted?

I put it to the candour and liberality of every individual of this Court who has been so situated, and ask whether, in looking back with the benefit of subsequent experience of localities and circumstances, he cannot discover a variety

ances in which he would have pur- different course, with respect to inferior and accessory details and ions. Let it not for a moment be ed that I state this as depreciating ents of those to whom I am making peal, or as comparing mine with their high public and mili- estimation, derived from acknow- l merit as well as success, must diately repel such a suspicion. I dly the benefit as applicable to my- shewing the hardships and injus- every] point of view of such a of proceeding, and am satisfied, hen the Court on their final deli- on, and the public at future pe- apply these remarks to the con- of the prosecution, and the mode ich the evidence has been brought rd, with the nature of a very large rtion of it, it will be seen and felt, I do not complain of this without lant cause. I think also, that when Court consider that from the im- nce of the subject, from the peculiar of the trial, and still more from rofessional rank and experience of embers, this case will be referred military history and jurisprudence precedent, they will join with me enting that the course of proceed- has put upon their minutes, so evidence of the description to I have alluded. I most earnestly t the attention of the Court to general observations, and that they ear them in mind as applicable and ary to many of the observations I shall have to make upon the nce in detail: and I am confident, hen the peculiar situation in which id here is considered, the Court udge Advocate will believe, that it h extreme reluctance, and under a g sense of the importance of this of the case to myself, and to those may come after me, that I have al- myself to make a single comment this subject.

hall now proceed to the subject of inquiry:

u are called upon to investigate the s of the disappointment of the pub- pes, to ascertain whether they are found in an unskilful and improvi- use of the means placed in my hands for attaining the object in view, or in the false expectations which, from various causes, had been raised upon this subject, and in the false views entertained and acted upon in relation to it. That false expectations had been raised and false views entertained, I will prove to the Court from the evidence which has been given, and from what I shall produce, and by argument, so conclusive as to force conviction.

That false information, arising from various interested motives had been given to the government of this country, my situation has afforded me ample means of knowing; that it has been acted upon, will appear from my instructions. To a full explanation upon this subject, which it is my duty to give to the Court, I must request your patient and earnest attention; for whether I exercised a sound discretion in the measures which I adopted. It is in the highest degree necessary for my defence: for unless the situation in which I was actually placed with reference to the possibility of obtaining any commercial advantages, unless the political situation of that country, the disposition of the inhabitants towards us, their views in relation to us, either as to what had passed, or future intercourse, are fully understood, no correct judgment can be formed upon the propriety of my conduct, or whether I exercised a sound discretion in the measures I adopted or not. I shall enter upon this explanation, before I proceed to consider either the charges or the occurrences which preceded or gave rise to them; and I am more particularly anxious to impress this part of the subject upon your minds, because the fallacy and consequent disappointment of the hopes entertained in relation to our intercourse with South America have given rise to the greater part of the unexpected feeling which has been excited by those whose hopes have been thus checked. A free and unrestrained trade with South America had long been eagerly sought and looked to, as opening one of the widest fields for mercantile speculation. Many circumstances combined to produce this impression, not merely on the public mind, but upon the minds also of many great and eminent statesmen, whose opinions have

feel themselves happy to be under it, and are anxious to sacrifice every thing in proof of their loyalty.

"The numerous troops which we have here, are prepared and disposed to make the most vigorous defence, and the premature proposals with which your excellencies have endeavoured to weaken their love for their king, have produced no other effect than that of indignation, which will impress every one with energy to resist any attempt to destroy their happiness.

"The Cabildo state; we are prepared to spill the last drop of our blood to prove to the world that we are good subjects and true Spaniards, and that we are lovers of humanity, even towards those who, off the Cape St. Mary, violated it in the manner which was witnessed by the whole universe."

I would not quote the answer of a general, or of public bodies to such a letter in proof of their sentiments, if every subsequent intercourse and event had not shewn, that in enmity towards us, they too truly expressed the real feelings of the writers, and disposition o. the country.

They are unanimous in their determinations, and so they proved to be in their conduct towards us.

Sir Samuel Auchmuty found that there were two parties in the city,

The party in power were mostly natives of Spain, in the principal offices of church and state, and devoted to the Spanish government, and accordingly the court will observe, that the ground of rejection of Sir Samuel Auchmuty's proposals by the Audienza was determined loyalty, a sentiment that is scarcely alluded to in the letters of General Liniers or the Cabildo.

It had been their policy to inflame the minds of the lower order against the English, by every species of exaggeration and falsehood, and to lead them to such acts of atrocity as might preclude the possibility of any communication with us.

From a consciousness that similarly situated, they would breathe nothing but revenge, they expected no mercy, and were become desperate and determined.

The second party consisted of natives of the country, with some Spaniards settled in it. The disposition of the mother country had made them most anxious to shake off the Spanish yoke, and though from their ignorance, their want of morals, and the barbarity of their disposition, they were totally unfit to govern themselves, they aimed at following the steps of the North Americans, and erecting an independent state. If we would promise them independence, they would instantly revolt against the government, and join us with the great mass of the inhabitants. But though nothing less than independence would perfectly satisfy them, they would prefer our government either to their present anarchy, or to the Spanish yoke, provided we would promise not to give up the country to Spain at a peace; but until such a promise was made, we must expect to find them open or secret enemies.

Such was the information I received from Sir Samuel Auchmuty, which I have detailed in the very words in which he had shortly before my arrival communicated it to the Government here, and which I use, because I could not so clearly, so forcibly, or so concisely state it in other language. Every day produced occurrences which tended to confirm the truth and accuracy of this account. We were unable to obtain intelligence upon which we could place the least dependance: we could neither procure guides nor accurate accounts of the country for our future operations. Force procured us all we possessed; good will nothing; and but for some accidental circumstances which threw in our way two or three persons who had some slight knowledge of the country, we should have been wholly destitute of any information whatever. The evidence which has been given (second charge) has shewn how very scanty our sources of information were.

I have gone at considerable length into these preliminary points; but as without an accurate knowledge upon this subject, no fair estimate can be made, either of the difficulties which I had to encounter, or of the circumstances and motives which ultimately guided my decision; I feel satisfied that the Court will forgive my thus trespassing upon their time and attention. Every

thing to me in life is at stake upon the issue of this investigation. I have been the object of virulent attacks and intemperate observations, and I am too well aware that the clamours which have been raised and kept alive by the interested and disappointed may have produced considerable impressions upon the minds of some upon whom prejudices and popular outcry ought not to operate. If these attacks and clamours had been confined only to the interested and disappointed, I should have disregarded them as the offspring of mean and selfish passions; for I know the sources from which many of them spring, and the causes which had produced them. Needy adventurers, either speculating on their own account, or as agents for others who had looked to our intercourse with South America as a source of unbounded wealth, found their sanguine expectation again defeated. Many who had looked to situation and employments in the newly-acquired territories, saw the termination of all their hopes and prospects. All these descriptions, and they were numerous, considered the person who had given up South America as a personal enemy, as the destroyer of all their hopes and prospects, and few had either the information, or the means necessary to ascertain whether their disappointment arose from the fallacy of their own hopes and speculations, even in the event of the success of the expedition, or from the failure itself; still less were they inclined to submit to any personal sacrifices for any object of public interest. I wish to except from these observations many respectable merchants and individuals who were actuated by very different feelings, and towards myself have pursued a very different line of conduct I cannot, and I should be unworthy of the situation and rank I have filled in life if I could, be indifferent to public opinion. I am well aware that a very general irritation has been produced upon this subject, and I know that this feeling has been increased, if it has not in a great measure been excited, by a false estimate of the value of what might have been gained, and of what has been lost. I have hitherto from motives of duty refrained from discussing this general point of the subject, however much it might have tended to allay the feeling which has been excited; and, I trust, the Court therefore will forgive the anxiety I have felt to enter particularly into it now.

I will now proceed to the charges: the Court will see the application of these preliminary remarks, and, I trust, feel their importance, in the future consideration of this case.

I am most anxious not to trouble the Court with irrelevant or unimportant details, more particularly as the length at which I have already been obliged to comment on preliminary points, and at which I must observe upon the really important parts of the case, must necessarily induce a wish not to occupy the time of the Court on inferior considerations. In considering these details, I feel under a difficulty imposed upon me by the manner in which some of these points have been stated, and apparently pressed with eagerness, when I objected and afterwards forgotten. I will endeavour, however, shortly to observe upon those which do not seem to have been wholly dropt in the order of time in which they occur, as that course will best enable the Court to pursue the subject in a connect detail, and in this view I will first dispose of that part of the subject which relates to the time of year chosen and the preparations made before I left Monte Video. If in adverting to any of the subjects, I occupy the time of the Court upon points on which they are already satisfied, I trust it will be attributed to the course pursued in the prosecution, and the impossibility of my ascertaining whether any impression has been made by them or not. I will candidly tell the Court the motives which led to each determination, and the many cases to a choice between opposing difficulties, not contending that in every instance the choice I made, even upon the view of the subject presented to me at the time, was the best; for it would be the height of presumption in me to do so, still less that subsequent experience and consideration and events may not have proved, that I might in many instances have adopted better measures. But it will, I trust, appear to the Court, from the detail which I am about to give,

and the evidence to which I shall refer in support of my statement, that I have been actuated by a zealous wish to perform my duty, and so far from obstinately pursuing hasty preconceived opinions of my own, have in all cases availed myself of the local knowledge of others, determined, unhappily for myself in some instances, as I thought circumstances compelled me to do, even against my own judgment.

I expected on my arrival to find a large proportion of the inhabitants prepared to aid our views; accurate information for the arrangement of future operations arising from friendly intercourse with them, and the body of cavalry formed, or at least the means of forming it. I found a country completely hostile, in which we could not by conciliation or interest procure a friend, either to assist or advise us, or afford the slightest information; horses, but no adequate means of feeding them; and which therefore, though well adapted for the armed inhabitants who turn them out when tired, and take others, could not, until time and possession had matured a new system, form an effective body of cavalry.

No one circumstance accorded with the information I had received, or by which I was directed to act by my instructions. The same causes operated both to lessen the resources which were considered as available by those who sent me, and to increase the obstacles which were to be overcome by the means within my reach. I immediately began to make the most active exertions to counteract the effect of these disappointments; directed steps to be taken by General Lumley for increasing our cavalry; and the most unremitting efforts to be made at an unusual expence by the deputy-commissary, who had been some time resident in the country, to procure grain, particularly for feeding and improving the effective condition of cavalry; ordered positions to be constructed, and every other preparation which occurred to myself, or was suggested by the experience of others; and it has neither been stated, nor attempted to be proved, that I either neglected any suggestion on that head, or failed in giving every facility and encouragement to the different departments connected with our preparations. The direct contrary has been proved by the officers of cavalry and artillery as to their departments, and I can hardly think that the evidence of the commissary-general, who had been only a few days in the country and possessed no local knowledge to make up for want of former experience in active service, would prove any failure on that head, to which, however, I will more particularly advert hereafter.

The first subject of consideration was the season of the year; on full consideration I finally determined upon attacking Buenos Ayres, before the winter season of rains, to which I was induced by many motives. I knew that upon the arrival of General Craufurd, I should have collected all the force which I could expect, and all the transports which I could hope to procure for their conveyance. The difficulttes to which I have alluded were not such as could be either obviated or in any way lessened; delay, therefore, would not add to our means of attack, while the exertions of the enemy would be increased from day to day, and more particularly when they heard of the accession of our force by the troops under General Craufurd. It appeared therefore to me, and those whom I consulted, that it was most advisable to make every necessary preparations before the arrival of General Craufurd, and commence our operations as soon as he joined; and in order that I might lose no time, and might reach Buenos Ayres before the rains commenced, horses, stores, and troops were, as has appeared in evidence, embarked the moment we heard of his arrival in the river Plata. Unfortunately contrary winds detained him until the approach of the rains was daily expected, but still hoping to accomplish our main object, and at the same time put the troops under cover, which could only be done at Buenos Ayres, for at Monte Video we must either have turned out the inhabitants, or erected barracks for that purpose. Before I quit Monte Video I must advert to circumstances which have been proved, as to the equipments of the cavalry. Upon this subject, I must refer the Court to the orders given for the reduction of baggage, dated the 3d and

11th June. When the Court considers our limited means of conveyance for horses across the river, and the inefficiency of those we could convey, the reduction of the baggage cannot be thought a matter of trifling importance. I request the Court to compare the evidence which has been given upon the subject of those equipments with the orders. It has appeared, that I directed officers, and General Lumley in particular, to communicate with my second in command, upon the details of the army, particularly relating to the cavalry. A dispute arose at a period when unanimity was most essential between my second in command and General Lumley, which is referred to me. I had no knowledge of what had previously passed, nor can the language used with reference to the King's regulations, affect me. I directed the former orders to be carried into execution, but am I criminally answerable for the mode of carrying them into execution? I was wholly ignorant of any thing which passed, except as it related to the general orders for lessening baggage, upon which I certainly felt some anxiety, and I am satisfied that the Court will see that the precepitation or want of care, if there was any with which the order was executed, or any harshness in the manner of doing it, could not impeach me, even if it had affected our preparations for crossing the river, which it is distinctly in proof it did not, for we carried complete equipments for all the dismounted cavalry in the country. In fact, I I do not even recollect ever to have heard the detail which has been given in court upon this subject.

That I was inattentive to the cavalry has been completely disproved by General Lumley, who expressly states that I afforded every facility, and encouraged every exertion upon that subject: the next, and indeed the most important part of the subject, as connected with preparatory details, is that relating to the management of a supply of provisions upon which the Commissary-general seems to have considered himself not sufficiently consulted by me, and, in some instances, misled by the Quarter-master-general, who was particularly directed to advise and assist him, as I found he had been in the Commissary-general's department at home, and not on active service, and from his late arrival with General Craufurd could have no local knowledge; and the preparations as to the quantity of provisions to be carried by the victuallers and transports, and the lasso-men had been made by the deputy commissary, who had been long resident in the country. The Commissary has stated, that he provided and carried six light carts and mules, which, it has been proved, are more used for draught in that country than horses, which was, as I think I will shew to the Court, the only additional preparation which, with reference to our means of conveyance and the objects in view, could be necessary in addition to those made before Mr. Bullock's arrival, and as I shall have occasion to call Lieutenant-colonel Bourke on my defence, I must certainly, in justice to him, ask some questions upon part of the evidence of Mr. Bullock, which has as much excited my astonishment as it must have done that of the Court, namely, as to the distance of the place of our landing from Buenos Ayres, and the supposition of the army re-embarking. In order to apply the facts proved to our situation and to my conduct, I will shortly state to the Court the impression under which I acted, and the reason for no more preparatory arrangements being made, and will shortly advert to what has been proved to have actually taken place upon this part of the case. It has been proved that my original intention was to take a position to the westward of the town, that is, on the heights of the Recolita, with my left to the Plata, and thus communicate with the fleet, and land provisions and stores, and if our intelligence as to the landing-place, and swamp, and road to Buenos Ayres, had proved correct, the provisions landed would probably have been sufficient until we had reached that point. But I was also certain of a point of communication with the fleet on the march at Quilmes and Reduction, for though Quilmes might not be an eligible place to land, with the enemy in possession of the heights above with artillery, still it was obvious, that as soon as we were in possession of Reduction we could communicate with the fleet, and get pro-

visions in various ways through the march, even if it was impracticable for horses and artillery, which, on examination by one of the officers of the staff, it in fact proved to be. I had accordingly made no particular arrangements as to the march, but by procuring all the lassomen we could get, and taking the light carts provided by the Commissary. Arrangements in relation to the supply of the army, independent of the fleet, we could not make until we arrived on that side of the Plata, but it was known that we could have no difficulty procuring abundance of cattle. In conformity with this idea, the fleet was to look for us at Quilmes, and if we passed, to go to the westward of the town; and Admiral Murray accordingly landed an officer to join me at Quilmes on the 1st, who carried off orders for a supply of provisions on the 2d; but in addition to this, I directed as an additional precaution, that pack-saddles should be carried for horses, in order as our means of transport for horses did not allow of our giving a separate establishment of horses for the commissary, that I might transfer a portion of the mounted dragoons to the Commissariate, in case it became necessary for the march upon our landing, as to the facility of which also we had been misinformed. I found the swamp presented so serious an obstacle, as to make it a work of considerable labour, difficulty, and time, to assemble the army with artillery on the heights of Barragon. The men also lost much of their biscuit, which was spoiled in crossing the swamp from its depth, and I found myself obliged immediately to land three days' provisions, in addition to the three days carried by the men ready cooked, which I had ordered to be in readiness, in case it might be wanted with the pack-saddles and the dragoons, to attend their horses to escort the Commissary until the provisions were expended, and they could again remount. I had before ordered small casks to be provided by the different regiments for conveying spirits. The Court have heard the swamp described by officers who have served in other countries. It has been proved, that five of the guns, notwithstanding every exertion, were left in it: that the light carts belonging to the Commissary with the spirits could not be brought through the swamp, and that in the attempt all the casks except one were staved, and that almost all the provisions and many of the horses, were lost in the attempt to pass it. When the Court advert to the intelligence which I had received as to the landing, and swamp, and road to Buenos Ayres, the reasons I had from the use made of Ensinada and Barragon, as a port of embarkation, to suppose that information to be correct, and the evidence which after a long investigation, has in detached parts been given upon the subject of these preparations, I cannot but flatter myself that no blame can be imputed to me on these points, as far as they apply to preparatory arrangements, and I should not do justice to Lieutenant-colonel Bourke, or to Captain Fraser of the artillery, or those employed in surmounting the obstacles opposed to our progress by the swamp, if I did not say, that the delay in reaching the heights cannot be imputed to them, for I can, with truth say, that more zeal or resource was never shewn, or indefatigable execution used on any similar occasion. It is with some reluctance that I enter so much at length into the subject, or advert to this obstacle of the swamp, or those which occurred afterwards upon the march of a similar description; but it should not be supposed, that I either then or now considered these as obstacles of any real importance in the great scale of our operations. I wish to be understood as not having viewed them in that light at the time, and as not viewing them in that way now.

I am unavoidably drawn to enter into these details, and to appear to attach importance to matters of very trifling comparative moment, to those which you are called upon to consider, by the conduct of the prosecution, and the consequence that has been given to the inferior arrangements, by the mode in which it has been pressed, and the time they have occupied; I use them only for the purpose of proving that the country, with reference to some of those localities, is different from all others in which our armies have before served; and that with respect therefore, to various circumstances connected with our move-

ments and inferior details, rules applicable to other countries, do not apply. How far it was either necessary, proper, or called for in a case of this description, to enter into a history of all those details, is not for me to judge, I am bound to meet every accusation, and to repel every imputation which is attempted to be cast upon me; and I rely on the candour of the Court for excusing my occupying their time so long in those parts of the case.

Notwithstanding all the exertion which could be made, the artillery which proceeded with the main body did not reach the heights until the 29th, and the whole of the army and remaining artillery (not left in the swamps) did not arrive on the heights until the evening of the 30th. In consequence of all these losses of provisions, I was well aware that the men would have to suffer many privations, and I well knew that in all such cases, those who suffer, consider every difficulty they are called upon to encounter, and every hardship they endure, as proofs of the neglect of those above them, and that to a want of confidence in the General, to whose failure in arrangements all these privations and difficulties are imputed (as every body, after such occurrences, is fertile in expedients which would have obviated them) is the inevitable consequence. In this point of view only, could they be of any importance in this case. That they did produce a great and very prejudicial effect I am aware, and that effect, was encreased by the subsequent failure of our attack, and the operation of these causes in guiding the opinions of others to the conclusion which led to the final result. This unfortunate circumstance I have cause, more than all others, to deplore. As far, therefore, as they are explanatory upon this point, I have to thank the prosecutor for having introduced the subject, for I trust the Court will be satisfied that no blame or neglect is imputable to me on this ground.

I gave orders, with respect to the commissary's department, which will be read, and, in part, found before I left the heights, that there would be no difficulty in procuring a plentiful supply of cattle and sheep, and the Court have heard from Colonel Nugent, that in consequence of my request, that he would send out a foraging party, he volunteered that duty, and brought in about four thousand sheep on the morning of the 30th, upon which the Commissary deliberately expressed his doubts as to their affording a sufficient supply for an army of 8000 for two days.

But the Commissary himself afterwards states, that there was an ample supply of cattle and sheep procured at the farm-houses and by foraging parties. We knew also that the march to the point where we could again communicate with the fleet could only occupy two days, and had no reason to entertain any apprehension on this head.

Before I quit this subject I must advert to the complaint, I may almost call it, of one of the general officers upon the subject of camp-kettles, lasso-men and want of spirits, upon the first. I have only to remind the Court that the observation of Brigadier-general Craufurd would have been applicable to the old camp-kettles, but was quite misapplicable to those now in use, which cannot be carried by the men: we had only one very small light cart with the army, for those brought by the Commissary, though built light for the purpose, could not be got through the swamp, and as the men carried three days provision ready cooked, and the Commissary was to have had three days more, and we were to communicate with the fleet, and expected to reach Buenos Ayres before the provisions carried by the men were expended, and knew we could procure abundance, meat and camp-kettles, therefore would, with our limited means of conveyance, have been, in my opinion, an improper incumbrance. The complaint of want of lasso-men would have been rather singular, as coming from the body of the army, having the rifle crops and light infantry companies: if we had depended upon cattle, which, in fact, we did not, for the main body, as the Court have heard, found no want of sheep, and Colonel Mahon also states that his division found no difficulty in procuring cattle in large quantities, "sheep and oxen more than they required to slaughter," are his expressions, although he had, as appeared on his evidence, no lasso-men, and upon the sub-

ject of spirits, I had issued orders to have small casks provided for their conveyance, and the Commissary has shewn the impracticability of bringing them forward. That the men suffered privations, and were subject to considerable inconvenience from the weather and wading through the rivulets, and from fatigue and want of spirits, and were, from long confinement on board of ship, not in the best condition to encounter these circumstances I well know; but, when all these circumstances are fully considered, I cannot accuse myself of having been wanting in attention to their circumstances, or of any failure of exertion in endeavouring to remedy them.

I will now advert to the march, for explaining which I must again avail myself of the recollection of the Court as to the nature of the country and the obstacles which presented themselves; the facilities it afforded of giving to the troops accommodation both of provision and fuel, the first rendered necessary by the losses of provision. I have been describing the latter both for cooking and for drying men, who had, on each day's march, to wade through deep water, an object of attention to troops just landed after a nine months' voyage, and the nature of the resistance which could be opposed to us by the enemy. These and other considerations combined, which I will state, induced me to adopt the arrangement of dividing the army in the manner which has been detailed. Whether I adopted the best mode of proceeding, or, if I did not, whether any such degree of culpability can attach to me on this head, as to have justified the making of it a subject of elaborate evidence, will be for the Court to judge. Estanious or farms occur, at short intervals, from Barragon to Buenos Ayres along the edge of the heights above the swamp; but these farms do not extend into the country to the south-west, so as to have enabled us to march in more than one column without losing the advantages I have before detailed, of provision and fuel. At these houses, in general, sheep were to be found, but always fuel for drying the men and cooking the victuals. The country is open, and no enemy appeared to interrupt our progress, for the scattered horsemen which followed and surrounded us were not an object of attention: no danger, therefore, could arise from the division of the army into three corps, and by moving on in succession, and regulating our marches and halts, as it has been proved was the case, by the situation of these farms, I ensured to the men the use of fuel, and as much cover as the country afforded on the halts at night, and this without in the least impeding our march or rather arrival and junctions at Reduction, at which place, it has been proved, I meant to bring up the rear division, and renew our provision from the fleet, and land our pontoons, if necessary, and such other stores as we might want. It afforded also the advantage of using the advanced division for the purpose of reconnoitering the country, while the rear division was coming up, and without losing time, for which purpose great part of the light battalion and rifle corps was sent forward with the advance, and that this was one of the main objects of sending forward the advance, will appear most distinctly from the reports of General Gower to me on each day's march, which I will hereafter read; from one of the last of which it will be seen, that if the distance and circumstances would have permitted he would have pushed on and occupied it, or passed the river, according to circumstances, on the evening of the 1st.

That no difficulty could arise in reaching Reduction from Barragon in two days, one of the points enquired into, is obvious, for both the main body under myself, and the division under Colonel Mahon, did march from Barragon to Reduction in two days, my division on the 30th and 1st., Colonel Mahon's on the 1st. and 2d. Had it been possible therefore to have assembled the army on the heights in the course of the 28th, we should have arrived at Reduction on the 30th. Much evidence has been gone into as to the march, the length of time occupied by it on each day, the exhausted state of the troops, and frequent halts, and as a very able and experienced officer high in command, Sir Samuel Auchmuty, mentioned the latter circumstance in answer to some questions from the Court, as one of the causes of delay and fatigue, I should, if it had not been

explained by other evidence, have felt incumbent on me to have called witnesses upon these points. But after the evidence of Colonel Mahon, to which I particularly call the attention of the Court, I cannot feel it necessary. He had four six-pounders and a howitzer, but to counterbalance the effect of the proportion of artillery with his division being larger than the other, he had 200 seamen to assist them; and the artillery officers were so satisfied with the assistance given to the guns, as to make report to Capt. Fraser, which hardly accords with the detail given by Colonel Mahon, that they occasioned no impediment to the march. But in this Lieutenant-colonel Mahon cannot be mistaken, his evidence is not that of opinion, for in answer to the prosecutor's questions, he details the number of hours and miles on each day: the 1st marched eight miles in near nine hours and a half, including a halt to rest the men in the middle of the day; 2d, he marched before day-light and did not reach Reduction until after five o'clock, from nine to eleven miles; and on the day he left Reduction about a quarter past ten or eleven o'clock, he did not cross the bridge until dark, in near five o'clock, the distance about seven miles; and stating, that he speaks from experience, and he was the only person who marched that route, he says, that he could not have marched from Reduction to the Coral with the artillery in one day. He particularly states the unavoidable necessity of continued halts from the rivulets and the marshy banks, and the consequent delay of the artillery, though he proves that every exertion was made by the seamen, and afterwards to some question put by myself, he proves, what after the above details was almost unnecessary, that these delays were occasioned by the nature of the country, and that he conceived few countries would have presented so many obstacles. It will be recollected that Sir Sam. Auchmuty was in the rear of my column, and that I was in the front with the guns, and therefore, like Colonel Mahon, continually abliged to halt while the guns were crossing these obstacles. After so minute and particular a detail given by an officer commanding a division, and therefore not a casual observer, but paying attention to these points, I should deem it a waste of time if I made any further observation, or called any further evidence upon that subject.

The Court will recollect, that it was proved to have been my intention to halt the main body at Reduction, to bring up Colonel Mahon's brigade. The advanced corps, as will appear from one of General Gower's reports, was to have pushed on to reconnoitre the river on the 1st; and if it had proved practicable, to have occupied the bridge as far towards it as possible; but it will be seen that on General Gower's arrival beyond Reduction, which village he left to be occupied by the main body, he found the river and bridge at a greater distance than had been reported to us (it having been stated to be only five miles from Reduction,) and accordingly he halted there. In consequence of this, I determined, as has appeared in evidence, to go forward on the morning of the 2d, and with part of General Craufurd's brigade, to reconnoitre the river and the bridge, which was reported to have been burned; while the navy landed provisions for the troops and also the pontoons, if our reconnoissance should prove that they were necessary. Orders had been given as has appeared in evidence for that purpose. It has also been proved, that the rainy period of the year was approaching, or rather arrived. I will not call it the rainy season, as the rains, though frequent and heavy, are not so incessant as in the countries were they are so called. I was apprehensive of the health of the troops if too long exposed, and most anxious to arrive in the vicinity of Buenos Ayres, where only I could put them under cover. An old and experienced inhabitant, one of the only three we took on our march, had, as the court have heard stated his opinion on the 1st before we reached Reduction, that the rains were coming on, which would have swelled the river and possibly left us no choice but that of a direct attack at, or in the vicinity of the bridge, where the enemy would have had a most decided advantage from the nature of the ground and a numerous artillery; and in the imprudence of which the Court have heard it proved, every officer in the army concurred. It has been

proved, that a heavy rain commenced in the night. Apprehensive therefore of the consequences of any delay, even of a day, at Reduction, though for important objects, I determined to move to the left, and turn the head of the river, or cross some ford above the bridge; and early in the morning sent Lieutenant-colonel Bourke to General Gower with the orders which have been detailed from recollection by General Gower, Colonel Bourke, and Colonel Torrens, the latter of whom, from his very precise recollection of the very terms in which the order was written by himself, will, I have no doubt, be considered as giving the most accurate account of them, if any thing turns upon the way in which they were worded.

General Gower's answer was here read, in which he stated, that he should march at nine o'clock from the left, intending to occupy the high ground on that side the Chuelo; and that he did so in consequence of not being able to find a practicable pass below the head of the river.

The Court will see, that every doubt which might arise as to the nature of the orders carried by Colonel Bourke with respect to our route, is done away by this answer, which must be taken as impressing General Gower's understanding of them at the time. He states, that he would keep the high ground on this side the Chuelo, until he could find a practicable ford or turn the head of the river; and details his reasons for preferring this line of march, and most decidedly states, he would not even try the Passo Chico, and this determination was adopted after consulting with the guide in presence, as the Court have heard, of Colonel Bourke.

It has appeared, that immediately on the receipt of the letter, I put the main body of the army in motion; and I will prove, that in consequence of the letter and the information communicated by Colonel Bourke, I told the guide, who was with Colonel Bourke, to lead the column of march, and that he was not to carry us to the Passo Chico, but to the next practicable ford above it. An inspection of the map, and the evidence which I will produce, will completely prove that if General Gower had not been led by some cause to alter his route, as expressed in his letter, we should have drawn nearer together in the course of the day instead of separating. The Court will also recollect, that in conformity with this letter, the order of march was immediately altered, and instead of moving by the right as we had done before, when we followed the advanced guard, we moved by the left.

I will call Colonel Bourke who led the column of march that day, to prove, that so strong was his impresssion that the columns would close nearer and not separate from each other; that when he saw General Gower marching in a direction from us, he mentioned it to the guide, who assured him, that we should follow in the same direction as soon as we crossed the Arrogan de Missiel; and so little did he then suppose that the two divisions would separate, that he rested satisfied with this answer and did not even repeat the circumstance then to me, but made, as he has stated in his former evidence, an unsuccessful attempt to move in a direction rather more to the right, which was found impracticable, and we were obliged to cross the Arrogan de Missiel at the point to which the guide was leading us.

It has been proved that Gen. Gower, at a particular part of the march, turned to the right, and, I think, that upon reading the above letter, looking at the map, and hearing the evidence of Colonel Bourke upon this subject, it will be impossible to impute the separation of the division of the army to me. It has been asked whether any steps were taken to reconnoitre the river above the bridge, or the Passo Chico.

I certainly had given no particular order for reporting on that day, nor taken any particular step for reconnoitring the river, nor could I conceive it necessary: I apprehend it to be the duty of an officer commanding an advanced division under such circumstances to report, and accordingly, I received, as I have stated, regular reports from General Gower on the 28th, 29th, and 30th of June, and two reports on the 1st July, though we met at some periods of each of those days he even reported particular occurrences in the day, and sent sketches of his position.

He had also acted on the whole of the march as a reconnoitering division for the rest of the army, and was provided with troops adapted to that object. The river and passes were at too great a distance to justify sending forward any small body, and the waiting the result of any such reconnoissance would have delayed our march, and the main object, that of crossing the river before the rain rendered it impracticable.

Having from the motives before stated, abandoned the first plan of approaching the bridge, I was on this march of the 2d, placed in the same situation as on the preceding days, with the difference only, that both divisions were making a flank movement by our left, but the effect was the same, for the advance was as before, between me and the river, at about the same distance as the preceding days, which distance, as I have shewn, would have been lessened if General Gower had pursued the route mentioned in his letter, and was therefore still acting as the reconnoitring body of the rest. And it is obvious that if General Gower had pursued the route mentioned in his letter, a prolongation of the march of each division on the line upon which we first set out, must have brought us in the course of the day, or at least before night, in communication with each other, as we had been every preceding day, and we had not actually joined. I should have been within the reach of supporting his division, as I had stated it was my intention to do in my letter to General Gower, who, on one of the preceding days, halted, and reported Spanish officers reconnoitring in his front as indicative of the possible presence of the enemy, would have failed to pursue the same course when we approached the town, or at least if he had gone forward according to the latitude given in his orders, and taking advantage of the panic of the enemy at our approach in such force towards the town, after crossing the river, had occupied the suburbs of the town without resistance, he would have reported the circumstance.

On the supposition and the possibility of the effect of the panic arising from our suddenly crossing the river and arriving unexpectedly before the town, and an apprehension of our immeditately entering it, inducing a wish on the part of the enemy to surrender, I had authorized General Gower to summon the town before my arrival with the main body, but that I meant to authorise him to separate from the main body is quite impossible, from the nature of the order. which was to feel his way across the river, that is, reconnoitre as he had done on the march of the preceding days for the main body, and in fact, using a term, implying more caution instead of less than on former days, that of feeling his way, and concluding with stating that I would support him, which is utterly inconsistent with the idea of separating; and the court will find on referring to the evidence of General Gower and Colonel Torrens, that in these two particulars, of feeling his way across the river, and support, they both agree, even as to the terms as well as the spirit of the order. If I have proved, I hope to the conviction of the Court by these observations, that I never intended that such a separation should take place, and I think it must be equally clear from General Gower's letter to me, that I never contemplated the possibility of such a separation taking place, and that I was not well pleased with it, I think the Court will have had good reason to believe, from the evidence which has been given by General Gower himself.

Let me ask the Court to whom this separation of the army is to be imputed? Am I to be charged with not taking precaution against this de-

viation of march in General Gower? On the contrary, was it not the duty of General Gower, if any circumstances induced him to alter his route, to report it to me, and to halt until he made such a report, and received my orders, or at all events, to have apprised me of the alteration of his route, and his reasons for it. The Court will also recollect, that the alteration of route in General Gower, did not occur from ignorance on his part of the situation of the main body. For though we could not distinguish the advance from the Arrogande. Messeil, it is proved by General Gower and others, that he not only saw the main body on the march, but actually saw us when he arrived at the ford of Chuelo. I marched, as I suppose, towards the same ford, not the Chuelo, which was expressly excluded. He was on my right, while we were moving to the flank in my front as before. As soon as we arrived at the river, we pointed towards Buenos Ayres, in the same relative position thereto, as on the preceding days; and it is impossible that he could have lost the main body, as he was between me and the river, unless he had deviated from the route stated in his letter, and turned short to the right.

It is most painful to me to have been obliged to enter into this detail, and make these observations. It is not my wish or inclination, and certainly has not been my practice, to impute blame to others for the purpose of defending myself; but I stand charged with too heavy a responsibility, to make it possible for me to forbear stating what is necessary for my defence, though in so doing, I may unfortunately call in question the conduct of others.

I will proceed with the remainder of the march of that day. We crossed the Arrogan de Messeil, and ascended the heights on the other side, and there it was that we first discovered that we had lost all traces of General Gower, although our view from that ground was very extensive. It was now three, some of the witnesses say half after three o'clock; approaching, therefore, at that season of the year, to the close of the evening.

We were still more than six miles from the river, and the range of view given by the ground, within which range we saw no trace of General Gower, made it obvious that any attempt to ascertain his position in a country in which we could not move or send a party after the evening closed must be fruitless. It remained therefore, only to consider what was best to be done; with reference to the main division, we could hardly hope ever to reach, much less pass the river that night; it is doubtful whether, by any exertion, we could even have got near it; that evening we were in the vicinity of some large farms, affording wood to dry the men and cook their victuals, and a supply of cattle, and in a very extensive range of view, only one house in sight on our line of march at the distance of about a mile. The utmost distance we could have then marched, could only have brought us to the swampy ground in the vicinity of the river without being able to ensure any accommodation to the troops. It was obvious that whatever might be General Gower's situation, I could not hope to ascertain it that evening. While considering of the most eligible course to pursue, I was, as has been proved to the Court, joined by Sir Samuel Auchmuty from the rear, whose opinion immediately decided mine for halting that night.

I had ordered Colonel Mahon to follow the main body, but the occurrences of the day, and uncertainty of our route the next day, made me think it more adviseable to order him to halt at Reduction, until I had ascertained the situation of the ad-

vance and the best place for crossing the river. I have thus fully and candidly stated all the circumstances connected with the unfortunate separation of the army on the 2d, which I must ever consider as the origin of all my misfortunes. It has been asked whether the whole army might not have arrived in the suburbs of Buenos Ayres on the 2d, from Reduction, and some officers have given it as their opinion that it might, but when the Court advert to the circumstances of the march of General Gower's division, which was completely a forced one, and in which the guns were left, the latter part of the march, near the river, that from the way in which the march had been pushed, the light battalion and rifle corps were completely exhausted, that General Lumley's brigade were still more so; and that they did not reach the suburbs until dark, and General Gower's corps moved from a front three miles in advance of Reduction; I trust it will, even now appear very doubtful whether the bringing the whole army on the 2d into the suburbs of Buenos Ayres could have been accomplished. In what way it was accomplished by one corps, the Court has seen; and I have stated fully why it was not attempted by the main body. I rely upon the candour of the Honourable Members of the Court upon this subject, satisfied that they will in this, as well as in every other instance, form their judgment upon the information I possessed, and the impressions which I might fairly and naturally entertain at the time from the existing circumstances, and not judge me by the event or any consequences which ensued. I will now proceed to the plan of, and preparation for the attack.

On my joining General Gower on the 3d, I found him not in the position to which he had been directed to proceed, namely, the westward suburbs, so as to communicate with the shipping which had always been my object, but on the side opposite to the Plata, which position he had taken up immediately after the action of the 2d; as I found him so posted, and he had been in possession of the ground the day before, it was natural that I should ask whether he formed any idea about the attack of the town; and the plan ultimately adopted was presented to me, a circumstance proved not from any question of mine, for I should certainly not have permitted myself to have alluded to General Gower's having any such share in it, but arising out of questions from the Court to General Gower, and details of the other witnesses. I arrived at the Coral de Miserare, about three o'clock, and upon this plan being proposed to me, spent the rest of the evening in considering it, and examining some persons supposed to be capable of giving us correct information as to the state of the town, and finally determined to adopt it, intending then that it should be carried into execution the next morning. The Court have heard some of the General's reasons which operated upon my mind to induce me to adopt it in the second letter which was read at the commencement of the evidence for the prosecution, and to which letter I beg permission to refer to the Court, and request their attention to it, as I cannot but think that the publication of it, or at least extracts from it with the other, would have obviated many of the remarks which have been made upon this transaction; but it is proper now that I should rather more particularly detail the motives which induced me to adopt the plan instead of pursuing my original intention of putting my left upon the Plata, landing the heavy artillery, stores, and provisions, and attacking the town from that side. There appeared to be three modes of atacking the town, by cutting off its supplies: bombardment,

battery and assault. The first, notwithstanding the opinions which had been given upon that subject, I did not think practicable at the time, nor do I now, and I think the very distinct and forcible reasons given by Colonel Bourke upon that subject, must have satisfied the Court upon that point; but independent of the circumstances stated by Colonel Bourke, it is obvious, that it would have occupied longer time, been attended with more exposure of the troops to weather, created greater difficulties with respect to supply of provisions, and engaged them in a more harassing duty than any other from the superiority of the enemy in that sort of irregular force, which though unable to meet us in the field, would have kept the troops from their number and perseverance, of which we had abundant proofs, constantly annoyed, all which were very powerful objections at that period of the year. When all these circumstances are considered, it will hardly be said that I was guilty even of an error in judgment in laying aside all thoughts of that mode of attack; the next was certainly the most natural and obvious course to pursue, and was therefore that to which my views had always been directed, but it was also open to many objections; the landing of the heavy guns and stores, and erecting batteries, and the difficulty, from the weather which has been described by Admiral Murray, occasional interruption of communication with the fleet, and the continued exposure of the men at that time of the year, in addition to which the nature of the town and the construction of the buildings, were such as to obviate many of the most powerful and rapid effects of such a mode of attack. All who have given evidence concur in opinion, that it would have been very difficult, if not impossible, to burn the town, at least no great effect of that sort, which is generally the most effectual consequence of a bombardment, would have resulted from it; the effect even of our heaviest guns (twenty-four pounders), which had been tried at Monte Video, upon the houses, had shewn that even batteries would not have the same effect as upon other towns, and therefore might be slow in their operation, and the vicinity of the town afforded no commanding position, for the Toros and Residencia, though eligible as posts to attack from, were not commanding positions from which the centre of the body of the town could be annoyed; and in addition to all these reasons, that mode of attack, if successful, must be attended with great destruction to the property as well as lives of the inhabitants, and therefore objectionable, as tending to increase the hostility of the inhabitants towards us, which was the most important of all considerations to which I had to attend with reference either to the letter or spirit of my instructions, the objects in view not only of the government of this country, but of the country itself; as it was obvious, that unless that hostility could in some degree be lessened, no force which this country could spare for so distant an object, could procure, or at least maintain any footing which would be valuable either in a political or commercial point of view.

To the last mode, that of assault, there did not appear then, nor have I heard stated or given in evidence any objection but that of the possibility of its failure, for in its effects, if it did succeed, it does not seem difficult to prove, that it was much preferable to the second. Presuming it, for the sake of the argument, to be successful, it was obviously preferable so far as the troops were concerned; for though it might be attended with some loss, it

would, the moment it succeeded, afford the means of comfortable accommodation, and prevent all the losses and diminution from the effective strength of the army by sickness, fatigue and protracted operations at that season of the year. I knew that the inhabitants would in some measure assist in the defence, and from the nature of the construction of the squares of houses and their flat roofs, was aware that they would be occupied; but from all the information I obtained from those immediately with the army, and the prisoners, two Spanish officers, examined, as the Court have heard, on the morning of the 4th, I was led to suppose, that the Spanish troops would act in the streets, as had been determined by Liniers, in moveable columns, and behind such traverses and defences as they could erect in the vicinity of the fort and great square in the centre of the town. An attack, therefore, which brought us in contact immediately with the Spanish troops would necessarily be the least annoying of all others to the inhabitants.

The capture of the place would in that case have been the consequence of the defeat and slaughter only of the soldiers with whom the contest would have been. In the other it would have arisen from the protracted hardships and the destruction of the property and lives of the inhabitants.

It must be admitted, that in an assault with any troops, however well disciplined, some injury would be done to the inhabitants; but it cannot be contended, that in a well regulated army such injuries could bear any, the most distant, proportion to those which would arise from bombardment. With reference, therefore, either to the army or the town, I still think that it had the preference over the other plan, presuming, as I said before, upon its success; upon which I will therefore make a few observations, considering it, as the honourable members of the Court will do hereafter, with reference to the fair probabilities at the time when it was adopted, and not according to the unfortunate result.

The first point to consider in that view was the probable resistance, and next the mode of attack best adapted to overcome that resistance. I have before stated, that it was understood the tops of the houses would be occupied, and from the known hostility of the inhabitants, it was supposed that many of them would take part in the defence, and that their post would be on the roofs of the houses, while the Spanish troops offered a resistance in the streets, and defended the fort and such defences, as they might have prepared in the streets of the town. We therefore looked for a vigorous resistance; but I will ask the Court and every individual member of it, whether from any experience in modern times, from any thing handed down to us in military history, since the modern system of warfare, and the use of fire arms has prevailed, or even from any information we had received, or observation we had made, as to the hostility of the inhabitants, if any thing but the actual result could have led us to form a just estimate of the resistance made. Thousands of instances might be mentioned in which a certain proportion of a young and active population have increased the strength of a defending army; but the general population has always impeded, instead of assisting the efforts of the defending army; not one can, I will venture to say, be produced, in which it is no exaggeration to say, that every male inhabitant, whether free or slave, fought with a resolution and perseverance, which could not have been expected, even from the enthusiasm of religion and national prejudice, or the most inveterate and

implacable hostility. I am ready to confess, that I had not contemplated the possibility of such a resistance so conducted by the whole population, nor do I believe it was supposed or foreseen by others. I will not resort to any of the common-place observations, however forcible their application might be upon opinions formed after the result, but whatever shades of difference of opinion there might have been among the general officers or those commanding in the attack, or those more immediately about myself, and to whom the details were given the preceding day as to the plan, compared with other modes of attack, I think I may assume, from what passed on the 4th, and the evidence which has been given, that no one contemplated the resistance we encountered, or the consequences which ensued, or in fact the failure of the attack, whether the general officers attending considered themselves consulted or not, and whether, under the circumstances in which they were called together, and my observations as to feeling myself compelled to adopt it, from circumstances against my judgment, and the discussion which afterwards took place, at the alteration of the attack, and General Lumley's questions on the subject of the plan, and the explanation by General Gower at the table, of the details, by referring to the map, as is described in the evidence; they either ought, or were at liberty to have stated any strong feeling they might have upon the subject, is not for me to determine; but I think it is clear, that any general officer who had contemplated such a result would either publicly or privately have submitted his opinion to me. No such was given me, either directly or indirectly; for the Court will see, upon an accurate examination even of Colonel Pack's evidence, that I could not collect, even from what was stated between him and me, that he thought unfavourably of the plan, as his objections were confined to a want of some implements for breaking open the houses, for which I ordered every possible search to be made. Having stated thus fully the nature of the expectation I might probably entertain at the time of the resistance to be expected, I come now to the mode of attack. The object was to pass through the town as rapidly as possible so as to come in contact with the Spanish soldiers, considering the inhabitants as less an object of attention.

The plan embraced their centre defences, the columns were not to persepere in spite of all obstacles on their particular line of attack, but to diverge to the flanks so as to gain positions, or rather the houses next the river, so as to occupy two lines of flank position, as near to the main defences of the enemy as the troops could establish themselves: this is obvious from the orders themselves; the distribution of the troops, which were divided so as to occupy all but the three centre streets, and the answer given to General Lumley's question at the meeting of all the officers.

I particularly request the attention of the Court to this, because it will be seen that the most fatal consequences, if not the whole of the unfortunate result of that day, arose from a neglect of their orders by the columns, in which strict attention to them was most important.

The men were to enter unloaded, and proceed as rapidly as possible, and not to fire on any account, and this is stated pointedly in one of the charges as an offence; I hardly know whether it is necessary to defend myself on this head. It is a point, as a general military one upon which differences of opinions may and do exist. The Court has seen that different opinions have been entertained by the wit-

nesses; but one of the witnesses, Sir S. Auchmuty, who gives his opinion in favour of entering the town unloaded, has stated a fact, not in support of that opinion, but incidentally confirms the propriety of it, namely, that the danger of the head of his column was increased by the firing of his own column from the rear. The reasons for the order in this instance were, that the fire could be of no use against the people on the roofs of the houses, who were behind parapets, and completely concealed, except at the moment of firing, and the main object, therefore, was to pass on as rapidly as possible, until the columns encountered those of the enemy, and neither to run the hazard of any delay from the men using their fire, which is difficult to prevent, or of any mischief arising from the columns crossing before it was sufficiently light to distinguish each other. I cannot, therefore, take blame to myself for this order, and should not have adverted to it at all if it had not been so pointedly mentioned in the charge. I have stated the motives which led me to adopt the plan of attack, to which, after the evidence which has been given, I may now be allowed to add one which, in a case of this sort, might, I trust fairly, and actually did operate upon my mind, that of its being approved by an officer whose opinion could not but be entitled to weight.

The next point to which I will advert, is, that of the orders given upon the subject of the situation in which I was to be found for the purpose of receiving reports, and whether that was communicated to the generals and officers commanding, and the directions, that after occupying the line of attack, if they gained their point, they should wait for further orders. In explaining this, I must further observe, that no particular situation was assigned in orders from myself and the second in command, that the head-quarters were not changed, and that the reserve was in the orders posted about 500 or 600 yards in front of head-quarters upon an open space, which must be crossed by any person going to head-quarters, and that the natural point to which all reports would be sent, as I was not stated in orders to be with either of the columns of attack. I trust I shall not be thought capable of acting so unworthy a part, as that of exonerating myself by throwing blame upon others; I have acted upon a very different principle since my return. Whatever I have felt or thought as to the execution of any parts of the attack, I have steadily refused to listen to any suggestion of defending myself by involving others, but in cases where I am bound to account for my conduct, but cannot do so but by stating that which has a tendency to impute blame to others. I trust I shall not be accused of deviating from the line of conduct I have adopted, in stating either the motive which operated upon me either to act in any particular manner, or which occasioned my neglecting some details, which, in strictness, it might be my duty to see attended to. With reference to these details, I can with truth state, that having adopted the plan of another, I should not have thought it fair or proper towards him, after having approved of it with a very little alteration, to which it is not my intention to allude, not to permit him to take a principal share in that which he had suggested, and which, from presenting it in such detail, he of course had fully considered. Accordingly the Court has heard, that when the officers were assembled, I stated in a few words my motives for adopting the plan of assault, and referred them to General Gower for the details, and that the officers accordingly surrounded his table upon

which he had got the map, and until long after my arrival in England I had always understood that General Gower's reason for advising me to stay in the centre instead of taking the left with Sir S. Auchmuty, and giving him the right, according to my original intention, (and which I could have proved, if, after the evidence of Sir S. Auchmuty and others as to the propriety of taking a central position, it was necessary) was, that I might receive the reports of the generals, which I always understood and conceived had with our position been explained to them upon the map on the 4th; upon this subject there seems to have been some fatal misunderstanding. I certainly expected these reports, in the full belief, that they had been ordered, and the place pointed out to which they were to be sent.

Another point remains for me to notice up to the evening of the 4th, that of not having reconnoitered the town; upon this I can only state candidly and fairly, that the nature of the attack did not seem to me to render it necessary so to do, as no one object was to be gained, and no alteration either in the details or execution of the plan, could arise from any reconnoissance I could have made. The only open spot from which any thing could be seen, was the place where I actually was; the attack was founded upon a plan of the town, and the information of those who were acquainted with it. No situation either to the right or left, or in any direction in fact, not only on any part of our line, but at any distance from any of our flanks could afford any further view but of the houses immediately opposite with the gardens and orchards. This I could see, and as far as any extent of view was perceived, the Coral was the only spot in which the view was not bounded by the squares, either of leathered houses or strong hedges, which intercepted all view whatever. There were no positions to reconnoitre, no ground to examine with a view to the disposition of our own force, or attacking that of the enemy.

I could find no point to which I could have gone with any force to have reconnoitered any part of the line of attack, or could have seen more than could have been ascertained from an army stationed along the New Road about London, to occupy the streets running parallel to the river Thames, which familiar description I refer to, merely because with this difference only, that the country at Buenos Ayres was more level, and intersected by high and stony fences, totally intercepting the view, will afford the best description of our situation. I have now stated at length all the motives by which I was led to adopt this plan, and I believe commented upon all the points, necessary for me to observe upon, up to the evening of the 4th, and will proceed in the order of events to the day of attack.

In commenting upon the events of this day, which the prosecutor has in a question to one of the witnesses, (a singular and unusual period for the introduction of a phrase implying so strong a comment) called extraordinary, I must earnestly request the Court accurately to examine the evidence as applied to the situation in which I actually was at the time, and in which I might, under all the circumstances, and actually did suppose the attacking columns to be; and also that which is founded upon the unfortunate result, and what ought to have been my conduct, had I known, or even suspected the situation of some of the attacking columns. On the morning of the 5th I proceeded to the centre, to the ground occupied by the artillery, and the attacks commenced as the court have heard before

out day break. I naturally wait- ome time expecting to receive ts; before nine o'clock I ordered carbineers and part of the dis- nted 9th light dragoons, about men, to proceed with two guns their advanced position in the down the center streets, hoping is movement to produce a diver- in favour of the attacking co- s, and enable them to open a nunication from one or other of enters attacked. Before their re- I had dispatched Captain Forster, of my aid-de-camps to endea- to procure intelligence; my staff employed in various directions, avouring to ascertain what was esult of the attacks, and upon the n of the carbineers, about half ten, after their repulse, and their g up a position in the town in ace of the one they had at first pied, I again repeatedly dispatch- aptain Forster, an officer of long ce and experience into the town, directions to endeavour to as- in the situation of the attacks, pen a communication with either s, anxiously and momentarily cting in the mean time, some unts from some of those columns, certainly never entertaining the test apprehension of what had ac- y taken place on two points of the k, or the danger which threa- d another. It is not my in- on to enter into any detailed com- ts upon all the attacks, but I must est the very serious and par- ar attention of the Court to s observations upon the most ortant of them, and, must also ll to their recollection some ral observations upon the nature plan of the attack, and the orders t, with the explanation given by eral Gower, in answer to Gene- Lumley's questions. I anxiously est the attention of the Court to part of the case, not only because most important indeed, almost the only really important point of the case for your consideration in a military point of view, but also as it most deeply affects my character as an officer, and from implied and distant insinuation in the charge, conveyed under the words personal exertion which has been so often repeated and sometimes with particular emphasis in the course of the trial, still more, if possible, affects my personal character and conduct. I also request the particular attention of the Court to it, because I think I shall clearly establish that the charge preferred against me of not co-operating with, or supporting the different divisions engaged, and the consequences stated in the charge of their surrendering for want of such aid and support is completely founded on a misconception of the nature of the case, and of the plan of attack, and of the relative situations of myself as commander in chief, and the officers leading the different columns, that the third charge is completely founded on a false assumption of that which had no existence, and is not applicable to the nature of, and that it falls short in not stating the only circumstances upon which such a charge, with reference to the nature of the assault on the town, and object of it, could be founded; this view of the case, which I feel satisfied, I shall shew to the Court to be the only just and proper one, it is obvious from the course of examination, has never once occurred to the prosecutor; it certainly did not occur to him when the charges were preferred against me, or they would have been differently framed; and I think that the Court will see, that it has not occurred to him since; in order to explain this mode of considering the case, I must call the attention of the Court to the nature and arrangement of the plan. The plan as the Court will have seen was to refuse the center, and the directions therefore were not to persevere in spite of ob-

stacles, but to pursue the main object, that of getting to the vicinity of the river, or as far in advance towards it as possible; the columns of the left wing, therefore were, in case of meeting with obstacles to take the next practicable streets to the left of those in which they met with obstacles, and the columns of the right wing, the streets to the right, the effect of which necessarily was to avoid attacking the center and main defences, if they presented formidable obstacles to our advance, and to establish a line of stations on the houses or commanding buildings near the river on the flanks of the main defences of the enemy, which stations would, if the orders had been pursued, have occupied the town on each flank of the defences of the enemy; approaching near, or being further from the center in proportion as any obstacles in the streets might make it necessary to diverge towards the flanks, and their attacks must necessarily have communicated with and supported each other.

The Court will observe by referring to the orders, that four regiments on the left, under Sir S. Achmuty and General Lumley: namely, the 87th, 5th, 36th, and 88th, were divided into wings, constituting therefore eight different columns of attack, exclusive of the 38th which was to attack the Toros from the rear, and the brigade under General Craufurd, and the 45th under Colonel Guard, were divided, as the Court have heard, into five columns of attack, and if the Court will refer to the plan of the town, they will find, that with the exception of the two streets to the right and left of the centre of the square of Buenos Ayres, which were refused, all the streets were occupied by our column. The orders distinctly state that each division was to go, *if possible* (which term was explained, as has been stated in the answer to General Lumley's question), straight down the street, until it arrived at the last square of houses, near the river Plata of which they were to possess themselves, and on the tops of which they were to form. The Court will recollect that the sides of the squares of houses are 140 yards, and it is therefore obvious, that if the buildings and houses had been occupied according to orders, the different divisions would have been not only within reach of communication and support, but actually in contact with each other: it is perfectly clear, therefore, that they were to look to each other for co-operation and support.

Let me now consider the supposition, or rather assumption in the third charge, that the different divisions engaged in the attack were to look to the centre or the reserve for co-operation and support; for upon this assumption, the charge and almost all the evidence is founded. If this assumption is not warranted either by the orders or the circumstances, the third charge is stated as I have before suggested on a complete misconception of the case. To ascertain this point, I request, the Court's attention to the distribution of the force under my command, and the comparative strength and relative position of the different divisions both of attack and in the centre and in the reserve, there were 14 divisions of attack, the 38th regiment entire, the others consisting of wings of regiments including (with the exception of a company of the 88th left at head quarters to guard the hospital and prisoners) all the infantry of the army. In the center advanced into the town, were the carabineers and part of the 9th light dragoons consisting of about 600 men, 250 carabineers armed with the old carbines with myself at the Coral, consisting of the reserve, and with the artillery 150 of the dismounted 9th light dragoons and about 30 of the

i light dragoons mounted. Was
ssible with this force to have co-
ated with or supported all the at-
s? could it have been divided so
have supported with any effect
wing? Could it in fact if di-
d, or even if united, have effec-
y co-operated with or supported
ny attack through the town, the
k made by the carabineers and
light dragoons from the centre?
ld any of the officers commanding
ions of the attack, looked at the
rs, and seeing the distribution of
force, have at all looked to the
re or reserve for support? was it
obvious that he moved and acted
ughout the attack in immediate
munication with others, and that
object was to form a connected
of stations on the houses and
kings near the Plata, mutually
municating with and supporting
other?

will now proceed to apply the
rvations to the divisions which
ndered, and whose surrender for
: of aid and support is imputed to
is a crime, with what justice will
or the Court hereafter to deter-
.

ne Court will find it proved by
evidence of Lieutenant-colonel
and of Major Vandeleur. that
with the respective wings of the
turned to their right instead of
as had been particularly ordered,
strange as it may appear, they will
see from the evidence of Lieute-
-colonels Pack and Cadogan and
adier-general Craufurd, that each
heir divisions turned to the left
ad of the right, and it is not a
remarkable that it was not until
had so deviated, that they en-
ntered the formidable opposition
ch has been described, or sustained
serious loss, and it is obvious that
his deviation from the intention
spirit of the orders, as explained in
ence of the officers, in answer to
General Lumley's question, that the
corps of Lieutenant-colonel Duff and
Major Vandeleur, and also that of
Colonel Cadogan lost the support of
the columns on their flank and became
entangled in the obstacles they were
desired to avoid, were ultimately
obliged to surrender. It is also ne-
cessary that the Court should observe,
that those corps of the left wing
which made no such deviation, pre-
served their connection with each
other, and ultimately finding the ob-
stacles so formidable and the resist-
ance so much greater than had been
foreseen, they retired to the left flank
and took post at the Toros. With re-
spect to the 88th, it seems difficult to
find any reason for this deviation, no
express object is stated; but Colonels
Pack and Cadogan both state that,
having found no opposition as they
proceeded until they came within sight
of the river, they turned to look for
the enemy, this is the expression
of one of them, moving directly on
towards the great square, which it
never was intended they should ap-
proach; and in this attempt they suf-
fered this dreadful loss which has been
stated; but even then, although they
must have considered themselves as
having encountered an obstacle against
which it was impossibleto hope to be
able to persevere with any chance of
success: instead of moving towards
the right, according to the answer
publicly given to General Lumley,
they persevered and fell a sacrifice.
Having applied these observations ge-
nerally to Colonel Cadogan, as well
as Colonel Pack and General Crau-
furd, I think it but justice to remark
that Colonel Cadogan, in the first
instance, and Colonel Pack after-
wards, must be considered as acting
under superior orders, and the perse-
vering resolution and gallantry with
which Colonel Cadogan held out until
he was compelled by overpowering
numbers to surrender, must for ever

prevent the misfortunes of that day, from producing any recollection as far as he was concerned, but such as must be gratifying to a soldier. General Craufurd also expressly states, that upon arriving at the bank of the Plata and opening the bastion of the fort, he turned to the left instead of the right, and when he had so done, instead of occupying buildings or the tops of houses along the line of the river, which would have connected him with the Residencia, and enabled him any time to communicate or retreat, more particularly if the divisions under Cols. Cadogan and Pack, had also occupied buildings on the same line, he throws not only his own division, but that of Col. Guard's, and part of Colonel Pack's into one building, and there remain to wait for support. Let me now ask the Court to examine the evidence, and see on what ground it was that he was led to pursue this course? Did it originate either in the letter or spirit of the orders? On the contrary, was it not a direct deviation from both? On arriving at the banks of the Plata, he moves to the left, unites the detachment of the other division with his own, and throws the whole into one building, instead of keeping the divisions separate, and according to the orders, occupying the roofs of the houses or buildings near the Plata. I must also request the Court to observe, that this building was deliberately occupied, not under the fire of the enemy, and as an immediate protection to the troops, as was the case in one or two other instances, but was taken possession of as a post to maintain. Part of the 45th, as the Court has heard, went to the Residencia, though Colonel Guard came back with a strong company, and may therefore be fairly considered as bringing a column for one of the streets, and if the order had been pursued, of retiring from the obstacles. Colonel Pack's and Cadogan's divisions would, in retiring from the centre, have approached more towards the Residencia, pushing General Craufurd's also to the right, and placing the several corps in such relative positions as must necessarily have produced the effect intended by the plan and orders of their communicating and co-operating with, and supporting each other, which would have secured at any time a retreat upon the Residencia. Instead of pursuing, in this respect, the spirit of the orders to the letter of them, still less the explanation of them by General Gower, Brigadier-general Craufurd throws himself into a post close to the defences of the enemy, waiting, as he says, for support. In what part of the orders is it to be found that such support was to be given? From what part of them was it to be presumed that it was promised, or was to be expected, or could be given? I admit that if I knew it was in danger, upon which I will observe hereafter, that whatever might have been the original plan, or whether that danger had originated in a mistake of orders or not, I admit most fully that it would have been my duty to have moved with every man I could collect to his support; but the real question is, whether it was my duty to have known that he had, contrary to the orders, or was compelled by circumstances so to act and taken such a post. When I state so shortly those deviations from orders, I beg I may not be supposed by the Court to insist that General Craufurd was not justified in deviating from the orders. The resistance offered in that flank may have made it impracticable to carry them into execution, and he might exercise a grand military discretion in occupying a post as near to the centre defence of the enemy for the purpose of attracting the attention of a part of the enemy's force, but ought he not, when he occupied this place

to have immediately ascertained what were his means either of maintaining it or retreating from it, and when he found, as of course he must, that it was not tenable for any length of time, and that the entrance was too narrow to admit of forcing a retreat, if the enemy collected and surrounded him, to have reported to me this unavoidable deviation from orders, and his perilous situation; or ought he not then, if he could not make such communication, though it is obvious that for some hours after entering it he could by means, even of Colonel Guard's detachment, who had so gallantly and judiciously, after having occupied his own positions moved to support the other division, in that flank, have much more easily opened a communication with me than I could with him; and if he had found that such communication could not be opened, and he had no means of apprising me of his situation, ought he not then to have secured the means of retreat? I have, as the Court has observed, forborne to make a single observation upon the practicability of maintaining the post, as General Craufurd stated, that it will be probably the subject of another enquiry on the same ground. I have not attempted to go into any examination of that part of the case, my observations arise out of the evidence given by General Craufurd himself, and the application of that evidence to orders, and I earnestly entreat the attention of the Court to these observations, as constituting the real point for their deliberation with reference to the great features of the third charge; for, however a false confidence as to the success of the attacks, or a momentary expectation of receiving reports, may have led me to permit very precious time to elapse before I took steps to communicate with the flanks (for with no other part could I, as I will shew hereafter, have communicated) on finding that no reports arrived, it cannot be imputed to me as a crime, that I did not either personally or otherwise support the different divisions engaged in the attack, and thereby permitted them to surrender, unless it can be shewn that I had promised support and failed to give it; that the plan was founded upon it, and I neglected to perform any part in the plan; or that I knew it was wanted, and omitted either personally or otherwise, to afford it; or that I necessarily ought to have known it, and failed in proper exertion either to give or send it.

I will now return to the centre, and will request the Court to advert to the number and description of force I had with me, as a complete proof that the plan was not formed, nor could by any person who knew the details of the army, and the strength of the corps of which it consisted, be supposed to be founded upon any principle of co-operation, or support from the centre. The centre was occupied by the least effective troops in the army, and the force left there could hardly be considered as more than equal to ensure the safety of the guns, the hospital and prisoners, and to oppose a resistance to any attempt of the enemy to force their way out of the centre of the town, in consequence of the flank attacks, which, as Captain Fraser has stated, we apprehended would be the probable effect of those attacks. Consider this in another point of view. If the flower of the army, penetrating in parallel lines, in streets only 140 yards from each other, and therefore mutually within the reach of supporting each other, could not maintain this ground, or make any impression which was to be expected from the whole disposeable force of the centre, and with the 150 men at the Coral, and about 550 or 600 advanced in the centre of the town: even if I had consider-

ed the latter as disposeable, for it is impossible to reckon the several scattered detachments extending along the whole line at distant intervals, and not even in sight, or returned to the adjutant-general on that day as disposable: then, it is clear, that the columns of attack would have less difficulty in communicating and reporting to me, than I should have in sending to them. These corps were stronger, particularly General Craufurd's, which consisted of the best troops in the army. They had also passed over, and knew the ground, and General Craufurd had with him an experienced officer, well acquainted with the whole town. General Gower states, and I certainly considered that all the brigadiers knew where I was stationed, and that they were to report. General Craufurd, at all events, is proved, by his own evidence, to have known where I was, and upon such an extraordinary deviation from the plan of attack, and occupying a post which was not tenable, precluding a retreat; ought he not to have immediately communicated his situation to me, and asked for support or orders. If I then refused or neglected to send it, if I had not then instantly put myself at the head of every man I could collect, and attempted, at the expence of any sacrifice, to give him support, the brigadier-general would have been justified in deliberately charging me with abandoning him; but unless I have both totally misconceived the plan of attack, the object and spirit, and even letter of the orders and our relative situations, it would have been both more decorous and more prudent in a witness, standing in the situation of giving evidence, to exculpate himself, in which he and some others have stood, and therefore open to some little suspicion of a bias of opinion; for I will neither charge nor suspect any officer of being capable of misrepresenting any facts, to have avoided giving, at the commencement of his evidence, so strong a proof of personal feeling upon the subject; and that containing a charge so injurious, and, as I trust, I shall prove to the Court so unfounded. I am proud to feel and know that I have not deserved it; for whatever I may now have been compelled by the attempt to impeach my character, to state in my defence, and whatever I may have felt upon this subject, immediately after the transaction, I have most cautiously abstained, upon principles both of honour and feeling, from attempting to exculpate myself at the expence of others, though I am well aware that I might, by so doing, have had no difficulty at least to divert much of the popular clamour which has been directed against myself, a sentiment I have always disdained to entertain or act upon.

To return, however, from the digression which I hope the Court will forgive, and attribute to the feelings which could not but be excited by the occasion.

The Court has heard that after the unsuccessful attempts of the 9th light dragoons and the carabineers, and afterwards of Captain Foster, either to open a communication, or ascertain the situation of the attacking columns, that a report was brought to the centre about one o'clock, that the colours of the fort were struck, and Colonel Torrens was sent down to ascertain the fact, and while he was absent I rode to Mr. White's house (the absence alluded to by General Gower), in the full conviction, as I could prove if it were necessary, that the town had surrendered. I mention this circumstance, and beg leave to call the attention of the Court to the evidence of General Craufurd and Colonel Pack on that head, who both state, that when the first flag of truce came to them, about the period that

they were satisfied that it was a flag to surrender the town, for the purpose of shewing the general impression entertained at that moment as to the success of the attack, and as much more conclusive in proving the feelings entertained upon the subject at the time, than all the evidence which has now after the result been given or which now could be given. I call the recollection of the Court to this statement, as completely confirming the evidence which has been given upon that head when we returned to head quarters, and to prove beyond doubt that it was the general feeling at the time. If General Craufurd, who had felt obliged to throw himself into the St. Domingo convent, and Colonel Pack, who had suffered so severely in his approach to the centre defences of the town, and had found it impossible to make any impression upon them, entertained that idea, and thought that the possession of posts so close to the centre of the town, and the other attacks had produced such an impression upon the enemy, may not I, at a greater distance, with no suspicion of any disaster, and not aware of the desperate nature of the resistance, be allowed, in common candour, to have entertained the same impression, and can it be said with our army, from whose exertions every thing might be expected, and not contemplating the possibility of such a defence, I was actuated by a blind and infatuated confidence? Is it the first instance in our military history in which the resistance of an enemy has been under-rated, and the efforts of our troops over-rated?

I need mention only the attack by Lord Nelson off Teneriffe, and of the gun-boats off Boulogne, which I select as a proof that even the transcendant talent intuitive foresight, and consummate providence of the greatest commander recorded in our history, were not always able to avoid the consequence of a miscalculation in this respect. I ask only the candid and liberal allowance of the Court upon this head, and that they will, in interpreting my conduct on that day, give me the benefit of the motive which might fairly operate upon my mind.

Immediately on the return of Colonel Torrens I proposed to open a communication with the flanks, and sent Major Crosby to the right, and immediately afterwards Captain Whittingham to the left, Major Crosby was obliged to return, and I sent Captain Whittingham with a party which it was supposed would enable him to ascertain the situation of the columns on that flank. I may be asked why I did not also send another detachment to the right. I will candidly state the reason, which was, I had no other officer about me who understood the Spanish language, the parties on the right were more numerous than on the left, and I did not like to withdraw the carbineers and 9th from the centre, and with the very small party at the Coral was afraid of leaving the guns not sufficiently protected, but more than all these considerations, which certainly would have immediately given way to any suspicion of the danger of the right, I was actuated by a confidence that the right was safe, and a much stronger anxiety to know the situation of the left. I think that I can satisfy the Court that those impressions, as to the comparative situation of the right and left, were at the time such, as I could not but form from the circumstances, intreating the court to bear in mind the confidence still entertained as to the success of the attack, or, at all events, the absence of all suspicion that any serious mischance had happened, the Court will recollect that we had distinguished, and as late in the day as any observation could be made. The weather being, as has been stated,

thick and hazy; that two cannonading buildings on the right were in our possession, and as we could not distinguish the intermediate houses, and knew that the force on that side had been divided into five columns, I naturally concluded that the interval was occupied by some of the columns, and that they necessarily were in a condition to communicate, and co-operate with, and support, each other, and I considered that, which proved to be St. Domingo Church, as the nearest part of the line occupied by our troops towards the centre, and from that, as has been proved, we saw our men firing as long as we could distinguish objects in the town on the left, where there were also high buildings between the fort and the town, although eight columns under the 38th had advanced in that direction. If, therefore, I had suspected any serious failure, I should have unavoidably looked to the left as the place where it had happened, and as that was, from its being the point of communication with the shipping, the most important flank, I have no hesitation in confessing, and I think, after what I have stated, the Court will feel that it would have been the natural course to pursue, that if an impatience at not hearing any intelligence, or the not being able to form any communication, had induced me to leave the centre before any reports arrived there, or if it had occurred to myself or others, that a great effort was to be made, and what force we had was to be assembled, and I was to put myself at the head of it to endeavour to restore the fortunes of the day, I should, most inevitably, have taken the wrong direction, and gone to the left instead of the right, in a full conviction, from securing the two flags, and knowing that the number of squares of houses on that side were less than on the other side of the town, that the attack had succeeded on the right, and that we had occupied the line on the enemy's left flank, but had failed on the others. The return of Captain Whittingham proved that the left was well posted though the attacks had failed, and that Sir S. Auchmuty recommended me to go to the left, but not till I was satisfied as to the right. It was too late that evening to attempt any communication with the left, and I therefore resolved not to proceed to the left until I had ascertained the situation of the right and brought up Colonel Mahon's column, and which, as has been proved to the Court, was the object of attention in the morning, and that though it appeared, in answer to the question of the Judge Advocate, that I did allow myself something to eat, and that we lay down to rest ourselves, though it will not be supposed my sleep was very sound, it should also be recollected that it appeared that I was employed in the middle of that night in examining the guide, and setting the bearings and distances for Captain Whittingham's reconnoissance the next morning. I should not allude to so trifling a circumstance, but for the purpose of repelling the insinuation which could not but be intended to be conveyed by the pointed manner in which the question was asked.

I must also request the Court to recollect, that it has been proved, that on our retiring to Mr. White's house, though naturally anxious for the right, no suspicion was entertained by any officer about me of any disaster having happened to it, but that we retired with a full confidence that it was like the left safely posted. So many important subjects of discussion occurred, as to this day, that I must, before I quit it, shortly recapitulate the arguments, which with great deference I submit to the Court on this charge, that of not co-operating with, or supporting the attack, whereas quite

of them succeeded. I trust that I have satisfied the Court, the plan was not founded upon support for the centre and that the commanding officer was not justified in expecting it; but that from the nature of the disposition they would necessarily co-operate with and support each other, and accordingly with the exception of the 88th, it was so understood and acted upon on the left, if I have succeeded in this, it is clear that I was not to move from the centre. I know that some point wanted support: to have estimated the danger of Brigadier-general Craufurd's brigade, I must have foreseen that he and those with him would totally deviate from the plan of attack, that he would occupy a post not tenable and from which he could not retreat; that knowing he could not retreat from it, he would suffer himself to be surrounded so as to have his retreat cut off, and that having occupied a single post, and that with his own division and detachments from two others, instead of a line of posts mutually supporting each other, he would not send to apprize me of his situation, but presume upon my co-operation or support, which was neither consistent with the plan nor the disposition of our force, and finally, that a resistance, of which there is no example, would be made by the inhabitants of an open town against so formidable a body of disciplined troops. It has been asked where was Colonel Mahon's brigade, and why was it not united with the rest of the army; and though it has not been asked why was not the attack made before, questions of a similar tendency have been put as to the effect which would have been produced, if he had taken part in the attack. It has also been asked, why no other effort was made to open a communication, either by the centre or the flanks. It has also been asked, why further orders was not sent to the corps in the town, and finally, why I did not personally collect my force and put myself at their head and communicate with the attacks. I will candidly answer all their questions, and though in so doing, I cannot acquit myself of some blame, I think the Court will feel that my defence, whatever it may be, is of a description that cannot be said to attach disgrace either to myself or my profession, my country or his majesty's arms; that it neither justifies the charge nor the odium which has been cast upon me. I have, in common with others, who have been before in a trying situation under novel circumstances against my own judgment adopted a plan of attack which has failed. I unfortunately underrated the resistance of the enemy, and estimated too highly our means of attack. A false confidence, as the event has proved, not only governed the preparatory arrangements for the attack, but operated in producing all the events of that day. Every preparation, every occurrence of that day originated in the supposition of the ultimate success of the plan. I was acting under that impression, and the charges are founded upon the result. I was waiting for reports of success that I might send orders to take advantage of it, and my actions, which were founded on a conviction that no possibility existed of a failure, are scrutinized as if I had known of the peril of others, and had failed to perform my duty in extricating them. I admit that, had I foreseen the desperate resistance of the enemy, I should have made no such attack, or at least, would, until Colonel Mahon came up, have availed myself of all the force in my power. It has been asked, why I did not avail myself of his brigade to extricate the right. The answers are two: I never suspected that it wanted that assistance, and if it had, Colonel Mahon did not cross the bridge until dark. I was, in the confidence of success, waiting for reports, while

the generals, by some misunderstanding, state that they were waiting for orders. General Gower, who explained to them the details upon the map, and whose plan it was, states, that they had orders to report, and that his recommendation to me to stay at the Coral was founded on the direction to report to me there.

But independent of this, the Court will consider, whether, under all the circumstances, Gen. Craufurd, who certainly did know where I was, ought not to have reported his situation which he might have done for three hours after he occupied it. With respect to the facility of communication, I think it will be admitted after the attempt of the carabineers, that it could not have been found after the middle of the day, or indeed earlier, through the centre of the town. I might have opened a communication with the flank corps and possibly with the corps at the Residencia, if I had applied any considerable portion of the carabineres and 9th to that purpose; and no doubt can be entertained that I should have done so, if I had suspected the necessity. But I have shown that circumstances led me to conclude that the right had succeeded more completely than the left.

Upon the subject of the confidence entertained in the success of the attack, I think the court will feel satisfied, that, whatever might be the shades of difference of opinion as to the plan, at the time, for I deprecate the judgment formed now, that no difference of opinion existed as to its success, and no apprehension of its failure. This has been proved by various officers of the staff, who were more likely than all others to have heard any such opinion if it had existed. It has been proved that though my second in command was with me the whole of the day, and one of my reasons for keeping him was, that the plan had been considered and arranged by himself, and neither he nor any other person, either felt the danger or suspected the misfortune which happened, but were like myself, expecting every moment to hear of our columns being in possession of the town. No measure, therefore, was proposed or suggested, and we returned to head-quarters with a fair confidence in the safety of the right. Is not a proof from facts more strong than evidence of the impression which then existed?

To conclude the charge, I may have erred in adopting a plan which has failed. I may from too great confidence in it, have neglected to take all the precaution necessary, and which I should have taken could I have foreseen the resistance which was opposite to us: I may under this impression have permitted valuable time on the night of the 5th, to pass by, in the expectation of receiving accounts of our columns being posted, and acting only upon the impression of the moment, and which I felt only in common with others as to the ultimate success of the attack, I did not take steps or make exertions, which were called for by events of which I had no knowledge. The Court therefore, I trust, will see, that any offence, whatever it may be, consists only in not having foreseen these events, in error in judgment, in under-rating my enemies, and two highly estimating my own forces; and that the charge is neither applicable to the nature of the case, the circumstances or the situation in which I was placed. To the judgment of the Court upon this subject, I cheerfully submit myself; satisfied that an error in judgment will not, after the numerous instances in which others have failed, who made false estimates of the comparative means of resistance and attack, be considered by the Court as meriting that which I have already suffered in this prosecution.

Upon the subject of the fourth and last charge I am now to trespass on the attention of the Court. I should have rested satisfied that the evidence of Admiral Murray, General Gower, Sir Samuel Auchmuty, and other officers on that subject, would acquit me in the candid opinion of the Court of having acted, in this measure, contrary to the policy, as well as the necessity of its execution. Much of public calumny has been thrown out against me in my conduct upon this point, but, however, it may have been justified, I will leave it to the justice and impartiality of this honourable Court, when I have laid before them the grounds that led me to this act of impolicy, as it has been deemed, to acquit or condemn me. I call the recollection of the Court to the State of South America, and the disposition of the inhabitants towards us, and I might also call its attention to my instructions, as civil Governor and Commander of the Forces, and to the instructions communicated to me on my arrival in South America. But before I apply these observations to the matter in question, it is necessary to advert to the situation of the British Forces remaining in Buenos Ayres on the morning of the 6th. Whether I acted with sound discretion or not in this respect, it becomes my duty to state to the Court all the circumstances which led me to the final conclusion of this treaty, the basis of which was, the delivering up the fortress of Monte Video; I hope the Court will do me the justice to think that I disregarded all personal considerations, in pursuing the line of conduct which appeared to me most condusive to the interest and honour of his Majesty's arms. The circumstance of our not having made any particular impression on the enemy, in the attack. The best troops of the whole army, which included a large portion of that army, were taken prisoners. Experience had shewn us that we had the utmost resistance to encounter if we attempted another attack after the first had failed; and success had encreased the determination of the enemy to oppose us in every direction; and encreased their confidence, while on the other hand defeat had lessened ours. The next consideration was the possibility of renewing the attack; our forces were reduced, exhausted, unprovided with the means of attack if they had the disposition. It will not be necessary for me to enter into a description of the town, the nature of the buildings, and the difficulty of making any impression upon them by bombardment; experiments taught us to form that conclusion. If the force we had in its original strength and numbers had been unsuccessful in assault, surely it was doubtful, whether the remaining and unconquered army with me would have been successful in a repetition of a similar mode of attack. Under all these considerations, I felt satisfied that the renewal of the attack would be impolitic, and would have answered no very beneficial purpose; on the contrary, I was urged by a much stronger motive than I have stated. It had been reported to me, that the exasperated state of the inhabitants, from a representation that cruelties had been practised in the town by the British soldiery, would lead them to massacre the prisoners in their possession. The safety of those brave troops I considered as an object of high importance; and had I disregarded their situation, and left them to their fate, by a renewal of an attack that would have brobably failed, I should have been driven from society as the most unprincipled of men. It was not a subject of very long consideration: the attack was declined.

The next consideration was our giving up the footing we had in South America, as the only means of regaining those troops. On this subjec

many important considerations presented themselves. First, the situation of the country, and the nature of our instructions. It was supposed from the information received by Government that the country would be conquered and kept in subjection by 8000 troops, which were considered as a large force. But the information received by Government upon this subject must have been founded in ignorance of the true state of the country. I found, on my arrival, that the resistance we should have to contend with far exceeded every calculation; not a single friend had we in the country: on the contrary, every inhabitant was determined to exert his individual strength. Upon this subject I rely on the experience of Sir S. Auchmuty, who stated that double the number of troops I have mentioned would be required to conquer and keep possession of the country. Under these disadvantages, in a military point of view, we should advert to the immense extent of country that must be maintained, and the constant supply of troops from Europe which it would be necessary to keep up for that purpose. The inhabitants becoming every day more and more exasperated, any attempts to maintain a footing in the country would be attended with the complete destruction of the whole force remaining in the country. To attempt keeping Monte Video we must have turned out fourteen thousand inhabitants; a measure utterly impossible in its execution, and a deviation from the spirit of my instructions. The Court will perceive that the instructions I received were, in the strongest manner, to avoid any oppression of the inhabitants, which would expose us to the consequences of their hatred. I felt, therefore, satisfied that these were considerations of sufficient weight, in a military as well as a political point of view, to induce me to abandon a position which was only to be retained by the disposing of the inhabitants in a manner revolting to humanity and the law of nations. On the other hand, I was anxious for the preservation of the lives of our brave troops in the town, and having no other means or hope of procuring their surrender but by agreeing to leave the Plata. It was by all these considerations I was actuated; and by the concurrent opinions of the Admiral, and General Officers of the army I consented to yield up these advantages, and enter into this treaty with the Spanish General. That it was the intention of the enemy to destroy the prisoners, if an attempt had been made to renew the attack, the evidence adduced by several officers on that subject, afforded the most probable grounds of concluding that this would be the consequence of such a measure. And I am well assured that from such information the Court will think that in exercising such discretion I was actuated not by any private opinion; but I refer them to the evidence of Sir Samuel Auchmuty and General Gower, who were of opinion that, in a military point of view, the necessity of abandoning Monte Video had arrived at this time. I think it necessary to state also, as some ground of inducements to this measure, that no valuable object could have been obtained by holding any military post in that country, circumstanced as we were, and the hopes of those persons who calculated upon mercantile speculations were fallacious, experience had proved. The General then contended that as the fortress was not committed to his own personal charge, he could not be responsible for the act of another; but as Commander in Chief of the army and civil Governor, he was vested with that discretion, which as the representative of his Sovereign he was entitled to, in administering and di-

necting what measures he conceived, best calculated for the good of the service in which he was employed. The Court would recollect that the Judge Advocate seemed to consider as a subject of charge, that the fortress was not, when delivered up, in a state of blockade. He had only to say that that could have no reference to the fourth charge as a military consideration, and then concluded as follows:

I have at length arrived at the conclusion of this long defence, and I have now to apologize for trespassing thus much on the attention of the Court. The country looks to your discretion and judgment in the decision of the important question, whether I have been justified in my conduct as an officer bearing his Majesty's arms. I look to that judgment, and have looked to it with long and painful anxiety to repel the calumnies that have been so industriously thrown out against me to confound those malicious publications which have been industriously circulated to my prejudice, the authors of which, because I have been unfortunate, have, to answer some private and sinister ends, loaded me with their calumnies. But I hope and trust the fair investigation my conduct has undergone by this Honourable Court, and the Defence I have set up against the charges preferred against me will allay the public feelings of abhorrence which have been excited by these engines, and clear my character from those imputations of misconduct which have been thrown out against me without the opportunity of vindicating my reputation from their iniquitous effects. I have now only to claim the indulgence of the Court, praying their attention to the documents I shall have occasion to lay before you in the course of my defence.

This detail was so long that, in the course of reading it, General Whitelocke was relieved alternately by Brigadier-general Meade, Mr. Lewis, and Mr. Sewell, who, as the General's friends and relatives, were permitted to assist in the recital; Mr. Harrison, General Whitelocke's Counsel, being prevented from doing so by the general custom of the Court. Having ended, General Whitelocke put several written documents into the hands of the Judge Advocate, which he had alluded to in the defence, and which he wished to put in as evidence.

The Judge Advocate-general observed, that although these documents were not strictly evidence, and ought not strictly to be received, yet he had not the slightest objection, if the Court should wave theirs, to their being received.

No objection being passed by the Court, they were then read. The first was a private dispatch from Sir Samuel Auchmuty to the right honourable William Windham, dated Monte Video, Feb. 17, 1807, in which the circumstances attending the capture of the place were detailed at considerable length; describing the customs and manners of the inhabitants, their mode of warfare; and after detailing the great losses sustained by the troops under his command in the attack, the General gives it as his opinion that the troops then in the country were unequal to the task of retaining any position in that part of the world; and that from the disposition of the inhabitants, and other causes, a force of not less than 15,000 men would be able to conquer or keep that country for any considerable length of time. The next document was also a letter from Sir Samuel Auchmuty to Mr. Windham, dated March 6, 1807, nearly upon the same subject, but going at some length in representing the hostile state of the inhabitants of Buenos Ayres, and his attempts to ascertain their disposition towards the British forces. The next was a letter, dated Feb. 26, 1807, from Sir S. Auchmuty to the Spanish Commander, complaining of a solemn compact being violated by the Spanish forces towards the British, &c.

The next was a letter from the Audiencia, declining, in peremptory terms, the interference of the British government in that of Buenos Ayres, and also a letter dated Buenos Ayres, March 2, 1807, signed by one of the principal members of the Spanish government, and addressed to Sir Samuel Auchmuty, upon the same subject as that from the Audiencia.

After these letters a great number of orders were read, issued by the Commander of the forces to the army on his arriving at Monte Video, to the commanding officers of divisions in the arrangement of its operations, preparatory to their embarking for Ensinada. The dates were, May 8th, 21st, 25th, the latter for the collection of horses for the expedition, and the order 31st of May relative to the disposition of the superfluous baggage of the cavalry. At three o'clock the Court adjourned until to-morrow.

THIRTY-FIRST DAY.

TUESDAY, MARCH 15.

The Court being met pursuant to adjournment, Lieutenant-general Whitelocke proceeded in his defence. The general orders issued by General Whitelocke respecting the department of the Commissary-general, the supply of provisions, &c. and restricting the forces from taking cattle or other provisions from the inhabitants by improper means, and without paying a fair compensation, were then read.

The next written evidence was the order of the 2d of July, issued on the march at the suggestion of Sir Samuel Auchmuty, and particularly alluded to in his evidence, encouraging the men to do their duty cheerfully and behave like British soldiers, and appealiug to themselves on the difficulty of procuring spirits at that time, and exhorting the officers to encourage their men to comply with this order.

Lieutenant-colonel Bourke called and examined.

Q. Are you acquainted with the handwriting of General Gower?

A. I think I am.

[Here several letters and papers were put into the hands of the witness.]

Q. Are these his hand-writing?

A. Yes, I believe they are.

Here six reports from Major-general Gower to Lieutenant-general Whitelocke were read.

Q. Were you present, when Major-general Gower examined the guides, before the letter of the 2d? and state the result of that examination.

A. I was present at that examination, and the result was, that the guides, having expressed a great deal of uncertainty as to the state of the Passo Chico, the General seemed determined not to proceed that way, but to endeavour to find some more practicable point higher up.

Q. Was the letter written after the examination?

A. It was.

Q. Did you report to me on your return from General Gower, the purport of the examination of General Gower's guides?

A. I did.

Q. Would any separation of the advance corps from the main body of the army have taken place, had General Gower contrived to march by the route pointed out in his letter? and state in your opinion, what would have been the relative situation of the advance and main divisions, had they continued in the same line of march on that day?

A. If General Gower had continued in the same line of march, I do not think that any separation could have possibly taken place, because, as soon as the main body had crossed the Rio de Macial, it would have only to cross these heights which were not above two or three miles in breadth; and if General Gower's corps had kept along those heights, the main body would have followed at a short distance in its rear.

Q. Does your answer apply to the high ground mentioned in the letter?

A. It does: it applies to the high ground above the Chuelo.

Q. Would not the advance and main division of the army have in that case crossed to the same ford?

A. They would have been in the same line of march; and if the route of marching had been at all close, they must have crossed at the same ford.

Q. Did you not report to me the circumstance of seeing General Gower moving in a direction from us, before I crossed the Rio de Macial?

A. I did not; I thought I saw Lieutenant-colonel Torrens pointing it out.

Q. Did you even then suppose any separation would take place?

A. I did not; because, in mentioning the circumstance to the guide, he informed me, that when we had crossed the Rio de Macial, we should move in the same direction also.

Q. From your knowledge of the country in which we were to act, and of the enemy to whom we were opposed, did you think it would have been expedient to increase the cavalry at the expence of the infantry?

A. Considering the service in which we were to be employed, and the sort of cavalry we could have procured, I do not think it would have been, by any means, expedient.

Q. Did I ever give you any order to inform Mr. Bullock, the commissary-general, that the landing would take place within five or six miles of Buenos Ayres? And did you ever inform him to that effect?

A. I never received any orders to acquaint Mr. Bullock of the landing-place, nor to make any arrangement whatsoever with him relating to the expedition against Buenos Ayres, excepting the transporting of maps and charts. I certainly never told Mr. Bullock that the landing was to take place within five or six miles of Buenos Ayres: I remember to have told Mr. Bullock that it would take place within four or five miles of a village into which I recommended him to detach some lasso-men to take possession of any cattle that might be found there; beyond this I never remember to have had any communication with Mr. Bullock relative to the expedition against Buenos Ayres previous to the landing.

Q. Did you ever inform Mr. Bullock that the British troops would be in possession of Buenos Ayres three days after their landing?

A. To the best of my belief I never did.

Q. Did you ever state it, as your opinion, that the army would re-embark immediately after the landing?

A. Unquestionably not.

Q. It being my intention to land three days provisions, and to take three days more provisions from the navy at Reduction, did you imagine that any further previous arrangement, with the commissary-general was necessary to the success of the expedition in addition to those already issued at Monte Video, and to the subsequent order for embarking mules and carts?

A. I did not think that any further arrangement was necessary to carry this intention into effect.

Q. Were there not lasso-men with the advanced division of the army, and were they not successful in procuring cattle? and state your means of knowledge on that subject.

A. On the morning of the 1st July, when the main body of the army joined the advanced corps, I saw a drove of bullocks, which I understood had been taken by the lasso-men attached to that division.

Q. From whom did you understand that?

A. I cannot exactly say; but I saw the bullocks brought up.

Q. Did you ever hear that the army sustained any real inconvenience from want of provisions?

A. I did not.

Q. The time of my receiving General Liniers' letter seems not to be fairly dealt with. At what time on the morning of the 6th were you sent by me to the Coral in consequence of receiving a letter from General Liniers?

A. About half past seven o'clock.

Judge Advocate—"I have no question to ask this witness; but there is one which the Court wishes to have answered."

By the Court.

Q. Did you understand from General Gower's letter, and did you understand at the time you delivered it to General Whitelocke, that General Gower would not attempt to cross the river at the Chico ford?

A. I understood at the time, from the conversation that passed between General Gower and the guides, that he did not mean to pass by the Passo Chico; and, to the best of my belief, I reported that circumstance, and nearly the whole of the conversation, to General Whitelocke.

Q. Was it in consequence of a re-

port from General Gower that the main body of the army found it necessary to alter the direction of its march on the 2d July?

A. I cannot say whether it was in consequence of that report that the route was so altered.

Q. What advantage was the main body to derive by deviating from the route of the advanced corps?

A. It shortened the distance considerably, moving with a view to pass the river higher up from the Passo Chico; at least, such was the expectation formed from the account of the guide.

Q. Do you understand from the communication you had with General Gower on the morning of the 2d July that it was his intention not to attempt to cross the river by the Passo Chico?

A. From the communication with the guides I certainly did; but I do not remember to have heard him say so in express terms.

Q. Did you state that to be your opinion to General Whitelocke?

A. I think I did.

Q. Did you consider it was not General Gower's intention to pass by the Passo Chico, at all events, even should he be afterwards informed that it was practicable?

A. By no means: I conceived that his reason for not marching by the Passo Chico was on account of the apprehensions expressed by the guide that it might be found impracticable.

Judge Advocate.—" General Whitelocke produces a letter from Sir Adam Williamson, to which, although by no means legal evidence, I make no objection if the Court think fit to permit it.

A letter was then read from Sir Adam Williamson to Mr. Dundas, dated Government House, Jamaica, 2d March, 1794, and adverting to the proper disposition made by General Whitelocke, then Lieutenant Colonel, of his troops in the attack upon Porte au Prince; his advancing at the head of his men, and capturing two guns, and driving the enemy from their works. Another letter was also produced to the same effect, bearing testimony of the good conduct and gallantry of General Whitelocke upon that occasion. Two other letters from Major General Spencer to General Whitelocke, in 1794, upon a similar subject, and expressing the approbation and thanks of his majesty for the General's conduct.

Judge Advocate. I ought to state to the Court, that these letters, strictly speaking, are not legal evidence; but from the manner in which I have conducted this prosecution throughout, I do not mean to object to them.

General White sworn and examined.

Q. How long have you known General Whitelocke?

A. Upwards of 30 years.

Q. When, and on what occasion did your acquaintance commence?

A. I was ordered by the late lord Grey to go down with a reinforcement from Martinique, of which I had the command, to the Island of St. Domingo, when I first met General Whitelocke.

Q. What was the first military operation in which I was engaged under your command?

A. Against Porte-ou-Prince.

Q. State your opinion of my conduct and character as an officer, while under your command.

A. When I had the command at Porte-au-Prince, General Whitelocke was employed as Quartermaster-general to the army, without pay or emolument, in which capacity he acted conditionally, that he should lead one of the principal columns against that fortress, which he did with the greatest gallantry.

General Whitelocke. Here I close my defence, and I am perfectly satisfied that this Court is above those prejudices which have been circulated against me; and whatever may be the judgment of this honourable Court, I know it will be guided by impartiality. I shall submit with cheerfulness, and trust my honour and character in your hands.

JUDGE-ADVOCATE.

President, and General Officers of this Court,

To the unprecedented statement of General Whitelocke in his defence I have little answer to make: I am not desirous of weakening any part of it,

nor am I pressed by any feeling of anxiety for any of the observations I have to offer, nor by any difficulty in bringing the subject before you. It is still fresh in your recollection; and whatever difficulties I might otherwise experience, these charges, whatever they may be, are untouched by any evidence on the part of the defence. But before I come to make any observations on them, I must take notice of some very unqualified animadversions in the opening of General Whitelocke's defence, in which he complains of my conduct upon this prosecution, and by which I am called upon, not merely in my own vindication, but on the part of the Court, who are bound in duty, not only to assert their own dignity, but on the part of the army, and of every officer who may be hereafter called upon to answer under similar circumstances.

In opening these charges I stated the grounds which induced his Majesty's Ministers to institute this prosecution. The conduct of the prosecution fell upon me, who am wholly unacquainted with military operations; and instead of endeavouring to inflame any popular prejudice against General Whitelocke, as has been ascribed to me, on the contrary, I must beg leave to say, that I did go out of the way unnecessarily to desire that the Court wou'd not be led away by any reports, but look to the evidence, and the evidence only: and I leave it to the Court to judge how far my conduct has warranted any such animadversions. The next point of which he complains is the manner of conducting the prosecution, by calling the evidence in narrative, by which he says much illegal evidence was admitted: the Court will feel how necessary it was that every witness should be called on to state all he knew of the transactions, in order that the Court might be the more fully enabled to form their judgment. If any illegal evidence has crept in, it was not for want of the utmost caution upon my part; nor am I aware but in one instance that there was any admitted which can, strictly speaking, be called illegal. I allude to the conversation between Lieutenant-colonel Duff and Major Ironmonger; and I intended to have called Major Ironmonger, but as the conversation did not bear upon any part of those charges the Court thought it unnecessary. Except in this instance, I am sure there was not a question which the Court did not determine to be strictly legal.

General Whitelocke then says, that in consequence of my conducting this prosecution he has been deprived of my assistance. I do not know how he can possibly make out that. I do not know any assistance I could have given him which he had not every opportunity of availing himself of. Every question which was asked I took care to put in a legal form; and the able advice he has had professionally and otherwise must have rendered any assistance I could offer unnecessary. He next complains that the charges were altered: it is well known that the charges in these cases are not made public until the King's warrant is signed for holding the Court Martial; and when I originally sent a copy of the charges to General Whitelocke, before the warrant was issued, I expressly and distinctly stated that it was possible and probable some alterations would be made.

I come to a point now which obliges me to allude to circumstances to which I did not refer in the course of these proceedings. General Whitelocke has stated that the mode of examination had been adopted for the purpose of collecting evidence to form this enquiry into matters of more serious charge: if so, I do not deserve longer to hold this situation. I was at first at a loss to know what this alluded to; but I shall now state to the Court what the circumstances were. It happened when I entered upon this business I found among the charges one of misbehaving before the enemy; I mean a charge of cowardice! I then stated, as I have since before the Court, that the dispatches of General Whitelocke were abundantly sufficient to justify these charges which have been investigated; but I took the liberty at the time to state that I could not bring my mind to such a charge, unless there was evidence which could fully support it. I felt that however the other charges might disgrace him as an officer they could not as a man; but as such a charge as this, which must degrade him

in society, whether proved or not, was one never to be forgotten, and must injure him for ever, I thought it ought not to be brought forward without the certainty of conviction. Under these circumstances I did submit it to the consideration of every member of his Majesty's Council; but as it might appear wrong, if there were just grounds for such a charge, not to bring it forward, I did reluctantly determine to see some of the officers of General Whitelocke's staff, with a view to ascertain this point; not, as he has stated, to collect evidence to convert popular clamours into matters of fact. I need not inform the Court that the result of these enquiries was, that there did not appear to me a ground on which I could have stated to the Court that there was a foundation for this charge. I leave it to the Court therefore to say what cause there was of complaint against me upon this subject. It is not any personal feeling to myself, but a regard for the feelings of others, that has induced me to make these observations.

There is also another point which it is necessary for me to observe on. General Whitelocke complains of the harsh conduct he has received from me, and that I have even pursued him into his most private moments, by requiring of his secretary to disclose all the conversations which had passed between them. The only answer I shall make to this accusation is the most direct and unequivocal denial of the fact; and I shall now read from the minutes what passed upon that occasion, and from which the Court will draw their own conclusions.

(Here the Judge-advocate read from the minutes that part of Lieutenant-colonel Torrens' evidence, where he was interrogated with respect to the conversation he had held with the General.)

I regret exceedingly it has so happened, that in consequence of my not having any previous knowledge of military operations, I should be under the necessity of going into so enlarged a detail of the circumstances and occurrences relating to these charges; but I have the satisfaction of knowing, that you are all masters of the case, and can correct any defect and supply any deficiency of mine.

I may now come to the first part of the charge, namely, the delivery of the civil officers as prisoners of war, which does not relate to any military operation; and upon this I must observe, that in all the treaties that have ever been made, there is not one single instance to be found, nor has General Whitelocke brought forward one solitary case to justify himself in this measure. This charge imputes to General Whitelocke, that instead of proclaiming and holding out such preferable terms of capitulation to the Spanish government, as might induce them not to oppose the British army, he did on the contrary that which tended to wound the feelings of all the inhabitants, calling upon them to deliver up their magistrates to the discretion of the conqueror. The very persons whom the inhabitants looked up to as their protectors, to be delivered over to military discipline, although his instructions were to conciliate and attach them to the British government.

In his private dispatch, General Whitelocke has stated his reasons for abandoning the bombardment of the town, and risking that unfortunate plan which formed the second charge against him: but whether the bombardment of the town was right or wrong, is not now the question; he says he abandoned the bombardment because it irritated the people; surely the demand he made for the delivery of the civil officers, was more likely to excite the irritation and rage of the people. It will be for the Court to say, whether they think it was right that Colonia, the only strong fort, should be abandoned and dismantled, although it could have been maintained by a very small force.

But this was not of such importance, when compared with the points to which the two next charges apply: I shall not uselessly take up your time, but shall proceed to the circumstances of the march, which I shall consider from the time the army reached Reduction, until its arrival at the Coral. It appears, that the advance corps proceeded on the 2d, and defeated the enemy: that the main body marched on the 2d, and, after marching but seven miles, they were halted, although it appeared that the troops were able to march further: that

a cannonade was heard, and no means taken to ascertain the cause or from whence it proceeded, and no reconnoisance ever made: that the rear guard under Lieutenant-colonel Mahon, arrived at Reduction: that a communication was opened there with the shipping, and that he received no further orders until the 6th: that artillery was sufficiently provided, and no considerable delay on that account; that the men, composing the main body, were better able to march than the advance: that if they had advanced to the town on the 2d, by the positive testimony of General Gower and General Craufurd, it would have been captured by the manner of the entry of the troops by the westward of the town, which by the enemy was unexpected and unprovided against. It appears, that the troops composing the advance were exhausted, and yet were directed to march to the Chuelo. The Court will consider what precautions were taken to support that corps: in the first place, guides were not confronted. Colonel Bourke was sent to General Gower with an order to proceed, and on his return met General Whitelocke in advance of the main body, and no order then given for the march. An order was brought by Colonel Torrens for the 87th to proceed and join the advance corps, and while absent, another order was given for the whole to advance. The Court will recollect, that during this period, the advance corps were three miles in front of Reduction, and no precautions then taken to support them; and you will consider, whether it was fitting to use the chance of exposing such a force to the enemy, without taking every expedient to support it. The Court will perceive, that after a march of seven miles only, the main body halted, and no communication was kept up during the rest of the march; and that General Gower, by the positive orders of General Whitelocke, sent a summons into the town.

I now come to the other facts which apply to the plan. I shall not presume to offer a single observation upon the propriety of that plan; but shall leave to the Court to decide upon its merits and demerits. It appears that General Whitelocke received information from Mr. White, of the means of defence of the enemy, which information proved correct; that the plan was settled without any reconnoissance having been made; that General Whitelocke had not in orders, or otherwise intimated the station he was to occupy; that no place was fixed for retreat in case of failure; that he did not consult the nature and situation of the town before the orders for attack were issued, although one of his senior officers was perfectly acquainted with the town and its environs, and could have been consulted; that gun-boats might have assisted in the attack, and opened a fire upon the town; that a communication with the navy was effected from the Recolita; that there was provision at the Coral sufficient for four or five days; that a single messenger was sent to Colonel Mahon to wait at the bridge for further orders; that no reconnoissance of the bridge was ever made; and that in consequence of this separation, the army lost the assistance of 1,800 men.

With respect to the latter part of the third charge, it appears that the Plaza del Toros was taken by Sir Samuel Auchmuty by nine o'clock, with prisoners and a quantity of ammunition; that General Lumley had no chance of success by ten o'clock, and having no communication with the General, was obliged to retreat and join Sir Samuel Auchmuty; that the 88th and the light brigade under General Craufurd and Colonel Pack were compelled to surrender from want of further orders; that the 38th and the other parts of the light brigade, were also compelled to surrender upon the same cause. General Whitelocke in his defence, imputes the misfortunes of these brigades to their not obeying their orders, but I must call to the recollection of the Court the situation of those brigades. The Court will recollect that they were ordered to occupy the houses on the left where there was no enemy to engage with; that there were no means taken for communicating to them further orders, on which, by General Whitelocke's own description, all further operations depended. That these officers were left without support after the gallantry they

had displayed, is a circumstance we must ever lament.

The next point General Whitelocke has taken notice of in his defence, is an accusation against that column which surrendered, but it appears that the possession of the church of St. Domingo, was the most judicious movement that could have been made: with respect to the other column under Lieutenant-colonel Guard, which reached the Residencia about seven o'clock in the morning, it appears that a communication might have been opened with the river, and that there was no material impediment to a communication with the reserve, and yet no communication was attempted until one o'clock the following day.

I now come to a point upon which it was most essentially necessary for General Whitelocke to justify himself. I do not mean to contend that a Commander-in-chief is to expose his life to hazard upon all occasions, for that would be an absurd construction upon his duty; but I must contend that there are occasions, and it is for the Court to judge whether this was one of them where the personal exertions of the Commander in Chief is not only required, but becomes an indispensible part of his duty. It would be indelicate of me to allude to any of those members of this Court, whose personal exertions have been so effectually exerted for the welfare of the country; but I will advert to a noble commander, a late member of this Court, who, by personal exertion conquered every obstacle, and has secured to his memory an everlasting renown. But in this present case it appears that General Whitelocke, during the whole of the 5th, remained stationary on the Coral, from six o'clock in the morning until dark, with the exception of half an hour when he retired to White's house; a situation from which nothing but the tops of the houses could be seen. That the cannon and musketry began soon after the march of the troops, with more or less violence; that all communication was cut off between the columns; that it was reported to him at eleven o'clock, that the riflemen were distinguished at the top of a church; that the king's flag was flying at another part of the town: and under all these circumstances, no attempt was made to support the different columns of his army. It appeared he might have changed his station with advantage during the day, but no personal exertion appeared in any way to have been attempted by General Whitelocke.

The next point I advert to is upon the last charge. General Whitelocke has mentioned, that the treaty was made in pursuance of a civil and not military instruction. It therefore becomes a question for the Court, whether it is not altogether an authority of a military nature, giving him the power of acting as civil governor as well as Commander in Chief, until his Majesty's pleasure should be further known. General Whitelocke further contends, that he is not accountable for the surrender of Monte Video upon the grounds that he was not personally present at that fortress when it was given up. The Court will consider what the evidence is, upon which this charge rests; and I do feel myself called upon to controvert the opinion of a very gallant and experienced officer upon that subject, Sir Samuel Auchmuty.

(Here the Judge Advocate read that part of Sir Samuel Auchmuty's evidence upon this point.)

The Court know that at this time the army was within the suburbs of Buenos Ayres: and why the troops should be without cover, where they could occupy the adjacent buildings, I cannot conceive. It is also stated, that the troops were fatigued, but the Court will recollect, that there was a large portion of them at the Plaza del Toros; that the troops, forming the reserve under General Whitelocke, and those at the Residencia had not been engaged; that Colonel Mahon's brigade had marched but a small distance between the 2d and the 5th, and that the troops engaged were without confidence. General Whitelocke has asserted, that want of confidence was referable to what had passed on the 6th of July; but whatever may be the reason assigned, it is for the Court to decide upon the fact. It is in evidence from the testimony of Captain Squires and Captain Fraser, that not only thirty pieces of cannon were taken at the Plaza del Toros, and six hundred barrels of

gun-powder; that Capt. Fraser pledged himself to have thirty pieces of ordnance ready by the next morning, to play upon the town; and also that ordnance might have been landed from the shipping; and you will further find, that General Craufurd concurred in opinion, that a more proper place to erect batteries against the town could not have been selected; the Court will judge, whether General Whitelocke was justified in relinquishing all these advantages.

The abandonment of Monte Video cannot be defended, except upon the grounds of absolute necessity: circumstances might have arisen to compel such abandonment, but those circumstances remain to be proved. Another part of the defence which he has set up, and which I cannot pass over without observation, is the great stress he has laid upon the safety of the prisoners, and the hostility of the enemy towards them. I will not now call in question whether that was the real ground, but am willing to admit he thought so; but this is to be submitted to the Court, who are to distinguish whether or not it furnishes a precedent, most mischievous in its tendency to future cases, and what temptation it would hold out to the enemy for persevering resistance.

I give General Whitelocke every credit for motives of humanity; but if once a dereliction of those laws which have hitherto guided the operations of armies is to be admitted, the principles of those laws become subverted, and the safety of future prisoners may be endangered or destroyed. If instead of submitting, General Liniers had been given to understand, that if one hair of the heads of the prisoners was touched, the Spanish general, his army, and the inhabitants, should answer for it with their lives, and he should be treated, not as a General, but the leader of a banditti; such a reply as this would have secured the safety of the prisoners, and prevented the disagreeable capitulation. I trust there is but one opinion on this subject, and I feel it my duty to protest against this new doctrine of the laws of humanity. If the court are of opinion that General Whitelocke is not to blame in the operations of this law, it will then be for you to consider, that the gallant army, so highly deserving of a better fate, were thus compelled to purchase their safety by such a deplorable sacrifice of their honour.

General Whitelocke here read to the Court a paper, explanatory of his observations upon the conduct of the Judge-Advocate; and in which he assured the Court, that he did not mean to cast any improper reflections upon him.

About two o'clock, the prosecution and defence finally closed, and strangers being excluded, the Court sat until near three, when they adjourned until the following day.

Immediately as the Sentence of the Court is made known, it is intended to present the purchasers of this Edition with a correct copy thereof, GRATIS.

APPENDIX.

CONTAINING

OFFICIAL DOCUMENTS.

No. I.

Copy of Military Instructions to Lieutenant-general WHITELOCKE.

Horse Guards, 7th Feb. 1807.

SIR,

His Majesty having been graciously pleased to appoint you to the comand of his forces employed in the reduction of the Spanish settlements at Buenos Ayres, I have to desire that you may be pleased to proceed with as little delay as possible to your destination, and use your best endeavours to carry into effect such instructions as you may be furnished with by his Majesty's ministers.

The force which his Majesty has been pleased to place under your immediate command, consists as follows, viz.

	Rank & File.
1st battalion, 69th regiment, embarked at Portsmouth, and to proceed with you to your destination	753
1 battalion - 38th regiment	811
Ditto - 47th -	685
Ditto - 40th -	1000
Ditto - 89th -	801
Detachment 54th -	103
8 Companies 95th -	230
17th Light dragoons - -	628
9th Ditto - - -	632
Detachments 20th -	191
Detachments 21st -	140
	5974

The whole of the above force is supposed to be at this moment in the river Plate.

The Staff which his Majesty has been pleased to appoint to this force, is composed of the under-mentioned officers, viz.

Major-general L. Gower, who will proceed from hence in the same convoy with yourself.

Brigadier-general Achland, ditto

——— Sir Samuel Achmuty, now with the force in the river Plate.

Brigadier-general Lumley, ditto

1st Deputy Adjutant-general—Brig. Lieutenant-colonel Bradford.

1st Deputy Quarter-master-general—Brig. Liutenant-colonel Bourke.

2 Assistant Adjutant-generals—Captain Blake 15th foot

2 Assistant Quarter-master generals—Captain Patrick, 57th foot

1 Deputy Pay-master-general—Mr. Badcock.

1 Ditto, Commissary of Accounts—Mr. Bisset.

1 Ditto, Commissary of Provisions and Stores—Mr. Conch.

HOSPITAL STAFF.

1 Inspector of Hospitals—Dr. Gordon.

1 Deputy ditto—G. R. Redmond.

1 Physician to the Forces—Dr. C. Tice

2 Surgeons to the Forces—J. Kidd and T. Bury.

1 Apothecary to the Forces—T. C. Price.

1 Deputy Purveyor—William James.

4 Hospital Mates—John Dove, J. Paterson, J. White, and J. Luby.

Your own personal Staff consists, as usual, of one military secretary and two aids-du-camp.

You will transmit monthly returns of the troops under your command to the Secretary at War, and to the Adjutant-general for my information. And you will strictly adhere to his Majesty's regulations in regard to the pay, clothing, and appointments of the troops. And your special attention must necessarily be directed to their discipline, and to the interior economy of the different corps, which is so essential not only to the comfort of the soldier but to the preservation of his health, under every change of climate to which he may be exposed. Under the head of Pay, I have to direct your attention to the instructions of the Paymasters-general to their deputy, respecting the usual stoppages being deducted from the pay of the several Staff officers, and to which you are required to give the most punctual attention.

On all subjects relating to your com-

mand, you will be pleased to correspond with me; and you will regularly communicate to me all military transactions in which you may be engaged, reporting to me all vacancies that may occur in the troops under your command. And as his Majesty has not thought proper to confer upon you the power of appointing commissions, you will be pleased to recommend to me such officers as may appear to you most deserving of promotion, stating the special reasons where such recommendations are not in the usual channel of seniority.

As all the regiments under your command have second battalions attached to them, and which remain in this country, it is necessary that I should acquaint you that the first battalions under your orders being composed exclusively of the senior officers of their respective ranks; such vacancies as may occur therein, by promotion or casualty, must unavoidably be supplied by officers from the second battalions, who will be immediately ordered to join on such vacancies being made known to me.

You will be vested with the usual powers of convening general courts-martial, under such restrictions as it might be thought proper to determine upon. Upon this subject I have to observe, that, as great inconvenience has arisen to the service from the officers commanding on several foreign stations having permitted prisoners to return to Europe prior to the proceedings and opinion of the court martial having been submitted to the King: I have to desire that, in all cases where any person whatever may be tried by a general court martial, and where your powers are not sufficient to enable you to decide finally upon the proceedings, opinion, and sentence of the Court, that you do not permit the prisoner to return to Europe, until his Majesty's commands shall have been duly communicated to you through the proper channel for that purpose.

Should you have occasion to recommend any gentleman for an ensigncy, you will be pleased to make known his address, in order, that if his Majesty should be pleased to confirm the recommendation, he may be directed to join the corps immediately on his appointment.

In all cases where doubts may arise, and any opportunity offer, by which you may be desirous to obtain further and more special instructions, you will always find me ready to attend to, and give effect to your representations. I am, Sir, your's,

To Lieut.-gen. Whitelocke, &c. &c. &c. FREDERICK, Commander in Chief.

No. II.

Copy of Additional Instructions to Lieutenant-General Whitelocke.

Horse Guards, 24th Feb. 1807.

As it is probable that, from the instructions with which you have been furnished by his Majesty's Ministers, you may find it expedient to raise a colonial force, I have to desire that the same may be conducted upon the same principles as are observed in the establishment of the colonial corps in the other of his Majesty's possessions, viz. the regiment to consist of as high an establishment as possible, not to exceed 1000 men; the higher the establishment and effectives, the more economical to the public.

The officers to be composed of one-third of each rank British, the Colonel also to be British. In the nomination of these British officers, you will, of course, be governed by an attention to the merits of those under your command, observing, however, that their appointments can only be provisional, until his Majesty's pleasure shall be known and duly communicated to you.

I must here observe to you, that as great inconvenience has been found by general officers having taken upon themselves (no doubt from a mistaken view to the benefit of the service) to appoint officers to serve in a rank greater than that to which they are entitled by his Majesty's commission, and particularly to the rank of Brigadier-general, I have to desire, that in such possible cases as it may be necessary for you to appoint an officer of the rank of Colonel to the command of a Brigade, that such officer should not on any account whatever be permitted to assume any higher rank than what his Majesty's commission confers upon him, nor receive any higher emoluments than what such commission entitles him to.

I have also to desire, that in such cases where you may find it necessary to permit an officer to return to Europe for the purpose of obtaining his Majesty's consent to the disposal of his commission, that you take care to acquaint him, that no money for the purchase of such commission can be paid until after his Majesty's approbation shall have been duly obtained by me, when the regulated price will be paid to him by his successor, in the manner pointed out by his Majesty's regulation; and he will be entitled to receive his subsistence up to the day on which his Majesty is pleased to receive his resignation.

I have further to communicate to you, that in the event of a junction with you of the corps under Brigadier-general Crau-

furd, whose force and staff is named in the margin.* The staff will of course cease to act in their respective staff situations, until that corps shall be again employed on a separate service; the staff named in your instructions, being that which his Majesty has specially appointed for the whole force under your command.

On the subject of courts-martial, I have to acquaint you, that as many general officers from the best motives have taken upon themselves to commute sentences of capital punishment to transportation for a term of years, or for life, when it is found, that no such power is delegated by his Majesty, and consequently that the whole of the proceedings may be thereby rendered nugatory: I have therefore to call your particular attention to the powers granted to you by his Majesty's warrant on this subject, in order to prevent you from inadvertently falling into the irregularity above-mentioned.

FREDERICK,
Commander in Chief.

No. III.

Secret Instructions from the SECRETARY OF STATE *to Lieutenant-General* WHITELOCKE, *signed* HOWICK, *in the absence of Mr.* WINDHAM.

(COPY.) (SECRET.)

Downing-street, 5 March, 1807.

SIR,

It having been thought adviseable that an officer of high rank as well as approved talents and judgment should be sent to take the command of such of his Majesty's forces as are at this time employed, or likely soon to be employed in the southern province of South America, I am to inform you that his Majesty has been graciously pleased to make choice of you for that purpose, and you are to repair forthwith in a vessel already provided for your conveyance to the south of the river Plata; there to take upon you the said command.

The forces which you are likely to find on your arrival, are those sent from the Cape under the command of Lieutenant-Colonel Backhouse, and those which sailed from this country under the command of Brigadier-General Sir Samuel Auchmuty, consisting of the corps named in the margin,* and amounting in the whole to 5338 men. But to these probably will be added, either by the time of your arrival or not long afterwards, the force under the command of Brigadier-General Craufurd consisting of the corps named in like manner in the margin† and amounting to 4,212 men.

That you may judge with greater certainty of the reliance to be placed on the probable junction of the latter force, as well as that of the 9th regiment of dragoons mentioned above, and the destination of which may have been changed by the vessel sent from Admiral Murray, I inclose you an account of all intelligence received, and all orders issued having relation to this subject; by which it will appear, that hardly a doubt can now

	Rank & File.
* 6th Dragoon Guards -	294
Royal Artillery -	242
5th Foot, 1 Battalion -	956
36th - - -	848
45th - - -	873
88th - - -	806
95th, 5 Companies -	372
	4391

Deputy Adjutant-general—Brigadier-lieutenant-colonel Stewart.
Assistant Adjutant-general—Captain Whittingham, 13th Dragoons.
Deputy Quarter-master General—Brigadier Lieutenant-colonel Holland.
Assistant Quarter-master Generals—Capt. Waye, 5th Foot, and Capt. Dickson.

Medical Staff.

One Deputy Inspector—A. Thompson.
One Physician—Dr. King.
Two Staff Surgeons—C. Crump and C. Montague.
One Apothecary—J. Burrall.
One Deputy Purveyor—M. Emerson.
Eight Hospital Mates.

* 9th dragoons - - - - - -	632
17th ditto - - - - - - -	628
20th ditto (detachment) - -	191
21st ditto - - - - - - -	140
Royal artillery - - - - -	117
38th foot - - - - - -	811
40th ditto - - - - - - -	1000
47th ditto - - - - - - -	685
54th ditto (detachment) - -	109
87th ditto - - - - - - -	801
95th ditto (3 companies) - -	290
	5390

† 6th dragoon guards - - -	299
Royal artillery - - - - -	248
5th foot - - - - - - -	836
36th ditto - - - - - - -	822
45th ditto - - - - - - -	850
88th ditto - - - - - - -	798
95th ditto (5 companies) - -	364
	4212

be entertained of the arrival of the Fly before General Craufurd shall have left the Cape, and that he will in consequence, in conjunction with Admiral Murray, have directed his course to the Plata.

As it is possible that this may not have happened, both cases must be provided for, either of the junction of the amount under General Craufurd, or of its having pursued, its original destination. In the former of these cases, as your force it is conceived will be more than sufficient for any purposes that you can have in view: you will detach at the very earliest moment in which you shall judge it safe to do so, the 89th, and any other regiment which you may think yourslf strong enough to spare, after your first operations, to proceed under a proper convoy to the Cape, and from thence to India.

With the force above stated you will proceed to execute the service intrusted to you, by the reduction of the province of Buenos Ayres, under the authority of his Majesty.

In the other far less probable case, of the armament under General Craufurd having pursued its original course, it must probably in the end be thought proper, after waiting as long as to the admiral and you shall have appeared adviseable, to detach a vessel round Cape Horn to convey your orders to General Craufurd, which orders may either direct him to prosecute his enterprize as at present planned, or to renounce such enterprize altogether; complete discretion is left to you and to the naval commanding officer in that respect, except only that you are not to extend the limits of his operations beyond the point to which they are now confined: and that in all cases where the co-operation of any part of his Majesty's naval forces may be requisite, no step is to be taken or order given to General Craufurd, but in concurrence with the naval commanding officer, as well at the Plata as with General Craufurd.

In whatever is done, whether in respect of instructions to General Craufurd, should he have pursued his original destination without touching at Buenos Ayres, or of the application of the force which you will find immediately on the spot, you will consider as the object of your enterprize, not the annoyance or distress of the enemy, but the occupation of such particular stations or portions of territory, as being once subjected to his Majesty's arms could not be easily recoverable, and would moreover not require for the preservation of them a body of troops more considerable than it may be conceived this country would be willing to spare, and which number certainly ought not to exceed that now placed under your command.

It is presumed that with a force far less than may be eventually assembled, supposing Brigadier General Craufurd to join you, and which, independent of the force which you now take with you would amount to more than 9000 men, possession might be obtained without difficulty of the whole of the province of Buenos Ayres; but it would still remain to be considered what numbers would be sufficient to retain the same against the attempts which the enemy might make to recover it, and the forces which he might collect for that purpose.

In whatever part his Majesty's authority shall be established, the greatest care must be taken, and the most earnest endeavours used, to conciliate the good will of the inhabitants, by abstaining from every thing which can shock their religious opinions or prejudices, by respecting their persons and property, by a removal of those restrictions and impositions of which they most complain, and by making them feel in general the beneficial influence of his Majesty's government as compared with that under which they were before placed.

In respect to commercial regulations, you will have as a rule, the orders settled by his Majesty in council (copies of which are herewith inclosed) for regulating the trade of Buenos Ayres, and which you will extend as far as circumstances will admit to other places or territories which may come into his Majesty's possession.

In the case of these regulations, such as may affect in any degree, the government and constitution of the country, the principle to be observed must be to abstain as much as possible from every thing that can infringe upon the rights and privileges, and even established usages of any class of inhabitants, and not to introduce into the government any other change than that which must necessarily arise from the substitution of his Majesty's authority for that of the King of Spain. Individuals it may be necessary to change, and in so doing, the preference should as much as possible be given to the native inhabitants over persons born in Old Spain.

All those who were principally instrumental in promoting or executing the insurrection against General Beresford should be carefully removed, and either sent to Europe, or placed in some situation where their machinations may be no longer dangerous.

The case of General Beresford and his army, must in another view become the object of your attention, and seems indeed to be one which calls alike on the national honor, on the feelings which actuate his Majesty's mind in whatsoever regards the welfare of his troops, and on the justice due from the country to all those whom it employs in its service.

It may not be clearly ascertained at this moment to what extent the capitulation made by these troops has been violated, nor what, in consequence, is the precise demand proper to be made in their favor; but whatever shall be due to them, either in virtue of any special engagements or of the general usage established between nations with respect to the prisoners of war, must be enforced to the utmost, nor must any means which the force of arms may place at your disposal, be left unemployed, till complete justice shall be obtained in their behalf. The service intrusted to your care, however successful in other respects, must be considered as incomplete, while any doubt shall remain as to the restoration of these troops at the proper period, or of their being protected in the mean time against every species of violence and ill-treatment.

Though his Majesty has been pleased to direct that the additional force named in the margin* shall be immediately sent out, with a view to operations which may be found adviseable, but without such aid, and in the possible case of General Craufurd not joining you, you may not be able to undertake; yet it is not his Majesty's pleasure, that the whole of the force liable, even eventually, to be assembled under your command, should be suffered to remain, but so much only as shall be necessary to secure those positions or territories, of which, upon the final result of your operations, you shall have been able to obtain possession.

It is not supposed that the number necessary for this purpose can in any case exceed 8000 men, in addition to such troops as you may be able to raise in the country. More, therefore, than these, except in very special circumstances, such as you will be expected fully and satisfactorily to explain to his Majesty's government, you will not consider yourself authorized to retain.

Should the circumstances be such as to confine your operations to the occupation of Monte Video or Maldonado, or some other point on the coast, which from the facility of defending it, and the protection which it may afford to merchant or other vessels you may think it right to retain, it is presumed that a force far less than the one named, that is to say than 8000 men, will be abundantly sufficient; and in that case, as in every other, you will send whatever surplus shall remain, by the first commodious and proper opportunity to England.

Should the reduction of Monte Video, as mentioned above, make part of your plan of operations, and should you succeed in the attempt, you will not consider yourself as bound by these instructions permanently to keep possession of that fortress, but may withdraw the garrison and destroy the works, should that course appear to be most adviseable.

In all that relates to the management of revenues of any province or district of which you may be in possession, you will take as your guide the instructions upon that subject to Brigadier General Craufurd, a copy of which is herewith inclosed.

In the same paper you will find instructions on another point of great delicacy and importance, namely, the language to be held in answer to any enquiries on the part of the inhabitants respecting their future situation at a peace.

No other assurances, as you will see by the paper referred to, can be given them but that his Majesty will not surrender but with great reluctance, possessions to which he attaches so much value, and would in no case consent to such surrender, without providing for the security of those, who from the attachment shewn to his Majesty might be fearful of having rendered themselves obnoxious to the displeasure of their former government.

It is supposed above, that an addition might be made to his Majesty's forces, by troops raised in the country; great care must be taken, of course, in selecting the individuals or classes proper for such a purpose, and in determining the footing on which they shall be placed, and the amount to which they should be carried; but subject to these precautions, much aid it is conceived may be derived from this force towards securing his Majesty's possessions in that quarter, and for avoiding at the

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* 1 troop of horse artillery, dismounted, with harness and appointments - - - - - 130
89th foot - - - - - - - 1000
Recruits - - - - - - - - 500
1630

same time the necessity of too large a demand on the regular forces of this country. It is hardly necessary to remark, that on this as on every other occasion, the strictest regard must be had to economy, as well in adopting any measure originally, as in arranging the details for carrying the same into effect; and you will therefore be expected to notify the adoption of any step on this subject, to enter into a particular detail of the expence to be thereby incurred, and of the reasons which have induced you to think that an expence to that extent was necessary for the attainment of the object.

It has been supposed above, that, whether in the event of a junction with General Craufurd or otherwise, no doubt could be entertained of your retaining possession either to a greater or lesser extent of some parts of the Southern Coast.

But two cases remain to be provided for, which, however unlikely, must not be wholly passed over; one, namely that of your finding on your arrival, that the places hitherto occupied by his Majesty's troops are no longer in their possession; the other, that of its becoming necessary at any subsequent period to abandon whatever had been before possessed, and to withdraw the whole of the British force from that country. In either of these cases nothing should seem to remain, but to consider the mode by which both yourself and General Craufurd, with the whole of the troops which you severally have with you, might best return to England. But in arranging means for that purpose, as well as in deciding on the measure itself, regard must be had to the probable state of the armament under General Craufurd at the time, considered with a view to the health of the troops, to the supplies still remaining on board the ships, and to the consequent difficulties which might arise upon any new and sudden extension of the voyage.

These considerations will not only require that any orders which you may send to General Craufurd, in the event of his being separated from you, should be, to a certain degree, discretionary, but may have an influence also in determining the line of conduct which you may think it right to observe in concert with the naval commanding officer.

You will be careful to avail yourself of every opportunity for conveying to his Majesty's government intelligence of your proceedings; the want of regular and constant information having been already found to be a great source of embarrassment, with respect to the particular service of which you are now about to take the direction.

I have the honour to be, &c.

(Signed) HOWICK,

In the absence of Mr. Windham.

Lieut.-General Whitelocke, &c.

No. IV.

Copy of General WHITELOCKE's *Letter to Mr.* WINDHAM, *of the 10th July, 1807, and published in a Gazette Extraordinary, Sunday, 13th September.*

Buenos Ayres, July 10, 1807.

SIR,

I have the honour to acquaint you, for the information of his Majesty, that upon being joined at Monte Video, on the 15th of June, by the corps under Brigadier-General Craufurd, not one moment was lost by Rear-Admiral Murray and myself in making every necessary arrangement for the attack of Buenos Ayres. After many delays, occasioned by foul winds, a landing was affected, without opposition, on the 28th of the same month, at the Ensinada de Barragon, a small bay about thirty miles to the eastward of the town. The corps employed on this expedition were three brigades of light artillery, under Captain Fraser; the 5th, 38th, and 87th regiments of foot, under Brigadier-General Sir Samuel Auchmuty; the 17th Light Dragoons, 36th and 88th regiments, under Brigadier-General the Honourable William Lumley; eight companies of the 95th regiment, and nine light infantry companies, under Brigadier-General Craufurd: four troops of the 6th Dragoon Guards, the 9th Light Dragoons, 40th and 45th regiments of foot, under Colonel the Honourable T. Mahon: all the dragoons being dismounted, except four troops of the 17th, under Lieutenant-Colonel Lloyd.

After some fatiguing marches through a country much intersected by swamps and deep muddy rivulets, the army reached Reduction, a village about nine miles distant from the bridge over the Rio Chuelo; on the opposite bank of which the enemy had constructed batteries, and established a formidable line of defence. I resolved, therefore, to turn this position, by marching in two columns from my left, and crossing the river higher up, where it was represented fordable, to unite my force in the suburbs of Buenos Ayres. I sent directions at the same time to Colonel Mahon,

who was bringing up the greater part of the artillery under the protection of the 17th Light Dragoons and 40th regiment, to wait for further orders at Reduction.

Major-General Leveson Gower having the command of the right column, crossed the river at a place called the Passo Chico, and falling in with a corps of the enemy, gallantly attacked and defeated it, for the particulars of which action, I beg to refer you to the annexed report. Owing to the ignorance of my guide, it was not until the next day that I joined with the main body of the army, when I formed my line, by placing Brigadier-General Sir Samuel Auchmuty's brigade upon the left, extending it towards the Convent of the Recolita, from which it was distant two miles. The 36th and 88th regiments being on its right; Brigadier-General Craufurd's brigade occupying the central and principal avenues of the town, being distant about three miles from the Great Square and Fort; and the 6th Dragoon Guards, 9th Light Dragoons, and 45th regiments being upon his right, and extending towards the Residencia. The town was thus nearly invested, and this disposition of the army, and the circumstances of the town and suburbs being divided into squares of one hundred and forty yards each side, together with the knowledge that the enemy meant to occupy the flat roofs of the houses, gave rise to the following plan of attack.

Brigadier-General Sir Samuel Auchmuty was directed to detach the 38th regiment to possess itself of the Plaza del Toros, and the adjacent strong ground, and there take post; the 84th, 5th, 36th, and 88th regiments, were each divided into wings; and each wing ordered to penetrate into the street directly in its front. The light battalion divided into wings, and each followed by a wing of the 95th regiment, and a three pounder, was ordered to proceed down the two streets on the right of the central one, and the 45th regiment down the two adjoining; and after clearing the streets of the enemy, this latter regiment was to take post at the Residencia. Two six-pounders were ordered along the central street, covered by the Carabineers and three troops of the 9th Light Dragoons, the remainder of which was posted as a reserve in the centre. Each division was ordered to proceed along the street directly in its front, till it arrived at the last square of houses next the river Plata; of which it was to possess itself, forming on the flat roofs, and there wait for further orders. The 95th regiment was to occupy two of the most commanding situations, from which it could annoy the enemy. Two corporals, with tools, were ordered to march at the head of each column, for the purpose of breaking open the doors; the whole were unloaded, and no firing was to be permitted until the columns had reached their final points and formed; a cannonade in the central streets was the signal for the whole to come forward.

In conformity to this arrangement, at half past six o'clock of the morning of the 5th instant, the 38th regiment moving towards its left, and the 87th straight to its front, approached the strong post of the Retiro and Plaza del Toros, and after a most vigorous and spirited attack, in which these regiments suffered much from grape shot and musketry, their gallant commander, Brigadier-General Sir Samuel Auchmuty, possessed himself of the post, taking 32 pieces of cannon, an immense quantity of ammunition, and 600 prisoners. The 5th regiment meeting with but little opposition, proceeded to the river, and took possession of the church and convent of St. Catalina. The 36th and 88th regiments, under Brigadier-General Lumley, moving in the appointed order, were soon opposed by a heavy and continual fire of musketry from the tops and windows of the houses; the doors of which were barricadoed in so strong a manner, as to render them almost impossible to force. The streets were intersected by deep ditches, in the inside of which were planted cannon, pouring showers of grape on the advancing columns. In defiance, however, of this opposition, the 36th regiment, headed by the gallant general, reached its final destination; but the 88th being nearer to the fort and principal defences of the enemy, were so weakened by his fire, as to be totally overpowered and taken. The flank of the 36th being thus exposed, this regiment, together with the 5th, retired upon Sir Samuel Auchmuty's post at the Plaza del Toros; not, however, before Lieutenant-Colonel Burne, and the grenadier company of the 36th regiment, had an opportunity of distinguishing themselves, by charging about 800 of the enemy, and taking and spiking two guns. The two six-pounders moving up the central streets, meeting with a very superior fire, the four troops of the Carabineers, led on by Lieutenant-Colonel Kington, advanced to take the battery opposed to them, but this gallant officer being unfortunately wounded, as well as Captain Burrell, next in command, and the fire both from the battery and houses proving very destructive, they retreated to a short distance, but continued to occupy a position in front of the enemy's

principal defences, and considerably in advance of that which they had taken in the morning.

The left division of Brigadier-General Craufurd's brigade, under Lieutenant-Colonel Pack, passed on nearly to the river, and turning to the left approached the Great Square, with the intention of possessing itself of the Jesuits' College, a situation which commanded the enemy's principal line of defence. But from the very destructive nature of his fire, this was found impracticable; and after sustaining a heavy loss, one part of the division throwing itself into a house which was afterwards not found tenable, was shortly obliged to surrender, whilst the remaining part, after enduring a dreadful fire with the greatest intrepidity, Lieutenant-Colonel Pack, its commander, being wounded, retired upon the right division commanded by Brigadier-General Craufurd himself. This division having passed quite through to the river Plata, turned also to the left to approach the Great Square and Fort, from the north-east bastion of which it was distant about four hundred yards, when Brigadier-General Craufurd learning the fate of his left division, thought it most adviseable to take possession of the convent of St. Domingo, near which he then was, intending to proceed onwards to the Franciscan church, which lay still nearer the fort, if the attack or success of any other of our columns should free him in some measure from the host of enemies which surrounded him. The 45th regiment being further from the enemy's centre, had gained the Residencia without much opposition, and Lieutenant-Colonel Guard having it in possession of his battalion companies, moved down with the grenadier company towards the centre of the town, and joined Brigadier-General Craufurd.

The enemy, who now surrounded the convent on all sides, attempting to take a three-pounder which lay in the street, the Lieutenant-Colonel with his company, and a few light infantry under Major Trotter charged them with great spirit. In an instant, the greater part of his company and Major Trotter, (an officer of great merit,) were killed, but the gun was saved. The Brigadier-General was now obliged to confine himself to the defence of the convent, from which the riflemen kept up a well-directed fire upon such of the enemy as approached the post; but the quantity of round shot, grape, and musketry, to which they were exposed, at last obliged them to quit the top of the building, and the enemy to the number of six thousand, bringing up cannon to force the wooden gates which fronted the fort, the Brigadier-General having no communication with any other columns, and judging from the cessation of firing that those next him had not been successful, surrendered at four o'clock in the afternoon.

The result of this day's action had left me in possession of the Torre, a strong post on the enemy's right, and the Residencia, another strong post on his left, whilst I occupied an advanced position opposite his centre; but those advantages had cost about two thousand five hundred men in killed, wounded, and prisoners. The nature of the fire to which the troops were exposed, was violent in the extreme. Grape shot at the corners of all the streets, musketry, hand-grenades, bricks and stones, from the tops of all the houses, every householder with his negroes defended his dwelling, each of which was in itself a fortress, and it is not, perhaps, too much to say, that the whole male population of Buenos Ayres was employed in its defence.

This was the situation of the army on the morning of the 6th instant, when General Liniers addressed a letter to me, offering to give up all his prisoners, taken in the late affair, together with the 71st regiment, and others, taken with Brigadier-General Beresford, if I desisted from any further attack on the town, and withdrew his Majesty's forces from the river Plata, intimating, at the same time, from the exasperated state of the populace, he could not answer for the safety of the prisoners, if I persisted in offensive measures. Influenced by this consideration, (which I knew, from better authority, to be founded in fact), and reflecting of how little advantage would be the possession of a country, the inhabitants of which were so absolutely hostile, I resolved to forego the advantage which the bravery of the troops had obtained, and acceded to the annexed Treaty, which I trust will meet the approbation of his Majesty.

I have nothing further to add, except to mention, in terms of the highest praise the conduct of Rear-Admiral Murray, whose cordial co-operation has never been wanting, when the army could be benefited by his exertions. Captain Rowley, of the Royal Navy, commanding the seamen on shore, Captain Bayntun of his Majesty's ship Africa, who superintended the disembarkation, and Captain Thompson, of the Fly, who had the direction of the gunboats, and had previously rendered me much service by reconnoitring the river, are all entitled to my best thanks.

As his character already stands so high,

it is almost unnecessary to state that from my second in command, Major-General Leveson Gower, I have experienced every zealous and useful assistance; my thanks are likewise due to Brigadiers-General Sir Samuel Auchmuty and Lumley; and to Colonel Mahon and Brigadier-General Craufurd, commanding brigades. I cannot sufficiently bring to notice the uncommon exertions of Captain Fraser, commanding the royal artillery, the fertility of whose mind, zeal, and animation, in all cases, left difficulties behind. Captain Squires, of the royal engineers, is also entitled to my best thanks; nor should I omit the gallant conduct of Major Nicholls, of the 45th regiment, who, on the morning of the 6th instant, being pressed by the enemy near the Residencia, charged them with great spirit, and took two howitzers and many prisoners. Lieutenant-Colonel Bradford, Deputy Adjutant General, has likewise a great claim to my approbation as a gallant and promising officer.

The officers of my personal staff, Lieutenant-Colonel Torrens, Military Secretary, and Captains Brown, Foster, Douglas, and Whittingham, Aides-du-Camp, must also be mentioned by me in terms of just regard; the knowledge which the latter possesses of the Spanish language has been eminently useful to me.

This dispach will be delivered to you by Lieutenant-Colonel Bourke, Deputy Quarter-Master-General, who has afforded me that assistance which might be looked for from an officer of his military talents and attachment to the service; to which I beg to refer you for any further particulars respecting the military operations in this part of the world.

I have the honour to be, &c.

J. WHITELOCKE, Lieut. Gen.

The Right Hon. Wm. Windham.

No. V.

Private Dispatch from General WHITELOCKE, *to Mr.* WINDHAM.

(COPY) (PRIVATE.)

Buenos Ayres, July 10, 1807.

SIR,

I have the honour to inform you that immediately after my arrival at Monte Video, on the 10th May, I began to make every possible preparation for the attack of this place, as the first and most effectual step towards the reduction of the province. For this purpose sloops of war and other light vessels were put to reconnoitre the southern bank of the river, in order to fix upon the precise point of debarkation. It was found that the water was too shallow to admit of a landing under cover of the ships of war any where to the westward of the town of Buenos Ayres, nor nearer to to the eastward than the Ensinada de Barragon. This bay was therefore fixed upon as the point of debarkation, and every arrangement that could previously be made was pressed forward with expedition, whilst I waited anxiously for the arrival of Brigadier-General Craufurd's corps and the fleet with which I had sailed from England.

On the 27th May, Rear-Admiral Murray and Brigadier-General Craufurd arrived at the mouth of the river, but owing to a prevalence of contrary winds, the expedition did not reach Monte Video until the 14th of June. I immediately determined not to wait the arrival of the convoy from England, as by the general voice of the inhabitants and of those officers who had passed the province, the months of July and August were represented as most unfavourable to military operations, on account of the heavy and continual rains which prevail at that season. Having fixed upon Colonia as the place of assembly from which the expedition was to proceed, I sent the troops upwards in small divisions, on account of the intricate navigation leaving at Monte Video the 47th regiment, the detachments of the 20th and 21st light dragoons, two companies of the 38th regiment and a corps of militia, formed by the British merchants, in all composing a garrison of about 1300 men, under the command of Colonel Browne of the 40th regiment; and after much delay, caused by contrary winds Rear-Admiral Murray and myself arrived opposite the point of debarkation on the 28th ultimo.

In the morning the fleet stood into the bay, and before night the whole army, as per margin*, was landed, without opposition, on the enemy's coast. The greater part of the next day was occupied in landing artillery, horses, and stores. Immediately on the landing of Brigadier-General Craufurd's brigade, and the 38th and 87th regiments, I detached Major-Gen. Gower, with this force, and two three-pounders, to

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* Three brigades of artillery, 5th, 38th, and 87th, Brigadier-General Sir Samuel Auchmuty; 17th dragoons, 36th and 88th, Brigadier-General Lumley; 95th, light battalion, Brigadier-General Craufurd; four troops 6th dragoon guards, 9th light dragoons, 40th and 54th, Colonel Mahon.

occupy the heights in my front, about five miles distant; and the next morning I proceeded to join him with the rest of the army, 4 six-pounders, and 2 three pounders the remainder of the artillery not being landed. The next day I directed Major-Gen. Gower to precede my march with his advanced corps, substituting the 36th and 88th regiments, under Brigadier-General Lumley, for the 38th and 87th regiments; and I left Colonel Mahon, with four troops of the 17th light dragoons and the 40th regiment, to protect the guns when they should come up, and cover the rear of the army; being principally induced to break my force into these divisions for the purpose of more readily procuring cover and fuel. On the 1st July the advance corps drove a small party of the enemy from the village of Reduction, and took post about two miles beyond it, whilst I occupied the village with the main body. I was now distant about nine miles from the bridge over the Rio Chuelo, on the opposite bank of which I understood the enemy had constructed batteries, and intended to make a stand. I determined therefore, instead of forcing the bridge, to turn the enemy's line of defence, by marching from our left and crossing the river, in two columns, higher up, where it was represented fordable, and continuing to march until I should have got completely to the westward and northward of the town appuyed my left on the river La Plata, and opened a communication with the fleet. On the 2d instant, at nine o'clock, Major-General L. Gower marched his corps, which should now be considered as the right column, and I marched myself at ten, with the intention of uniting our force that evening in the suburbs of the town. Major-General L. Gower having crossed the river, his leading brigade fell in with a considerable corps of the enemy, under General Liniers himself, which he attacked with great vivacity, completely overthrew it, taking ten pieces of cannon and some prisoners. The Major-General halted on the ground from which he had driven the enemy, waiting my arrival, and sending at the same time a summons to General Liniers, which was refused on this occasion, as well as the following day, when I sent to him myself.

Owing to the ignorance of my guide, who conducted me by a considerable detour, I did not reach the Major-General until the next day, when I formed my line under Sir Samuel Auchmuty, on the left of Brigadier-General Lumley's, extending it towards the convent of the Recolita, distant about two miles; and another under Lieutenant-Colonel Guard, on the right towards the Residencia; while Brigadier-General Craufurd's brigade occupied the central and principal avenues into the town, being distant about three miles from the Great Square and fort of Buenos Ayres. In pursuance of my original design, I intended to march the next morning by my left to the convent of Recolita, which standing on high ground immediately over the river, I could have communicated with the fleet, and landed heavy guns for a vigorous attack of the town, should General Liniers obstinately refuse to surrender it. Upon consulting, however, with Major-General L. Gower, he submitted to me another plan of attack, which, as it promised a more expeditious issue, inasmuch as it obviated the necessity of marching to the left, and the delay of landing heavy guns and erecting heavy batteries—a delay which I the more dreaded, on account of the rains having, to all appearance, set in, and the men being exposed, in a great degree, to the severity of the weather, from the impossibility of conveying camp equipage. I consented, for these reasons, to change my plan, and adopt what seemed generally approved by the general officers under me. Besides, the measure of bombardment, or any other measure which might occasion an indiscriminate loss of life, ruin the town, and irritate the people, appeared to me, upon reflection, contrary both to the letter and spirit of my instructions. I hoped also, by this plan, to be able to dislodge those who opposed the progress of his Majesty's arms, and by driving them to the bottom of the town, there make a number of prisoners, who might be in our hands so many pledges for the return of the 71st regiment, and the other troops captured with Brigadier General Beresford; whilst the peaceable inhabitants, and those best disposed towards us, by remaining quietly in their houses, might escape the danger of the attack. The nature of this attack can be best explained by annexing the general order. The result was successful in the principal points, as I obtained possession of the Plaza del Toros, a strong fort on the enemy's flank, 32 pieces of ordnance and a large depot of ammunition and provisions; as well as the Residencia, or the strong fort on the enemy's left and four pieces of cannon which defended it. But these conquests were purchased with the loss of 2500 men, killed, wounded, and prisoners, and, amongst the latter Brigadier-General Craufurd, and other officers of rank. The conduct of both officers and men in this as-

tion had been gallant in the highest degree, and the severity of the loss occasioned solely by the severity of the defence. The enemy had dug ditches across the principal streets, and placed cannon within them; he occupied the flat roofs of all the houses in commanding situations, and from thence and the windows poured a destructive fire of musketry, hand-grenades, fire-pots, &c. upon the columns as they advanced; having likewise had the precaution to barricade the doors in so strong a manner as to render them very difficult to force, though the troops had been provided with instruments for that purpose. Every householder, with his negroes, defended his dwelling; and it is perhaps not too much to say that the whole population of Buenos Ayres was employed in its defence, which very population in the field would probably not have withstood the attack of two British regiments.

On the morning succeeding the attack I received a letter from General Liniers, offering to give up all prisoners taken in the late affair, as well as those taken with Brigadier-General Beresford, if I consented to relinquish the attack and withdraw his Majesty's forces from the province. A correspondence (No. IV.) upon this took place, which, ended, in the treaty I have the honour to transmit.

My reasons for acceding to this negociation were briefly these: I had lost in the preceding attack 2500 men; and although I had gained a strong post on the enemy's right flank, from which I communicated with the fleet, and from which it might be possible to fire heavy cannon on the town, and otherwise annoy it, yet the enemy's chief defences were too remote from this point, and too much covered by houses to allow me to hope that I could in any given time destroy them, by cannon alone, even if the nature of my instructions had not militated against such a measure. General Liniers had likewise acquainted me in his letter, that he could not answer for the lives of his prisoners if the attack was persisted in; and from every thing I have since heard from the officers themselves, I have reason to believe they would have been sacrificed to the fury of an exasperated rabble. Nothing therefore remained to be done offensively but another attack on the town, conducted in a manner similar to the last; the event of which must have been doubtful, as my force, when collected, did not reach 5000 men, and if even successful, my loss would probably have rendered that force insufficient to keep the place when taken. If it was deemed fruitless to attempt another attack, there yet remained two modes of retreat, either by treaty, or re-embarking in the face of the enemy. The latter measure would certainly have been attended with additional loss; and the wounded and prisoners in the late affair, as well as the 71st regiment, in all 4000 men, lost for ever to Great Britain. In return for which I should have possessed but a nominal command at Monte Video, a post which can never be considered of any advantage, whilst the capital of the province and the great entrepôt of commerce remained in the hands of the enemy.

I determined therefore to accede to this treaty, by which I shall be enabled to bring off my own army almost entire, and recover the 71st regiment, a point which my instructions have taught me to consider as of the first importance; and I shall evacuate a province, which the force I was authorized to calculate upon could never maintain, and which, from the very hostile dispositions of its inhabitants, was in truth not worth maintaining.

I shall dispose of the army in the manner pointed out in my instructions, the particulars of which I shall detail to you from Monte Video by another man of war that will sail from thence with duplicates of these dispatches. Trusting that the conduct I have pursued in this difficult situation my meet with the approval of his Majesty,

I have the honour, &c.

(Signed) J. WHITELOCKE, Lieut. Gen.

This will be delivered to you by Lieutenant-Colonel Bourke, to whom, as well as Sir Samuel Auchmuty I refer you for further particulars.

No. VI.

The Definitive Treaty between the Generals in Chief of his BRITANNIC MAJESTY *and of his* CATHOLIC MAJESTY.

I. There shall be from this time a cessation of hostilities on both sides the River Plata.

II. The troops of his Britannic Majesty shall retain for the period of two months the fortress of Monte Video, and, as a neutral country, there shall be considered a line drawn from San Carlos on the west, to Parido on the east; and there shall not be, on any part of that line, hostilities committed on any side, the neutrality being understood, only that the individuals of both nations may live freely under their respective laws, the Spanish subjects being judged by theirs, and the English by those of their nation.

III. There shall be on both sides a mutual restitution of prisoners, including not only those which have been taken since the arrival of the troops under Lieutenant-General Whitelocke, but also those his Britannic Majesty's subjects captured in South America since the commencement of the war.

IV. That for the promptest dispatch of the vessels and troops of his Britannic Majesty, there shall be no impediment thrown in the way of the supplies of provisions which may be requested for Monte Video.

V. A period of ten days from this time is given for the re-embarkation of his Britannic Majesty's troops to pass to the north side of the river La Plata, with the arms that may be actually in their power, stores, and equipage, at the most convenient points which may be selected, and during this time provisions may be sold to them.

VI. That the time of the delivery of the place and fortress of Monte Video, shall take place at the end of the two months fixed in the second article; the delivery will be made in the terms it was found, with the artillery it had when taken.

VII. Three officers of rank shall be delivered for and until the fulfilment of the above articles by both parties; being well understood that his Britannic Majesty's officers who have been on their parole, cannot serve against South America until their arrival in Europe.

Done at the Fort of Buenos Ayres, the 7th day of July, 1807, Signing two of one tenor.

(Signed) JOHN WHITELOCKE.
GEORGE MURRAY.
SANTIAGO LINIERS.
CESAR BALBIANI.
BERNARDO VELASCOS.

No. VII.

ORDERS IN COUNCIL.

At the Queen's Palace, October 1, 1806, Present, the King's most excellent Majesty in Council.

Whereas it hath been represented to his Majesty, that over and above the royal duties, and the consulate or municipal duties, payable upon divers articles exported from the city, town, and fortress of Buenos Ayres, and its dependencies, including therein all the terrritories belonging to or forming a part of the government of the same, a duty of two reals upon each ox hide, and of one real on each horse hide, exported, was levied and paid during the time the said city, town, and fortress of Buenos Ayres, and its dependencies were under the Spanish government: and whereas the commander of his Majesty's forces, to whom the said city, town, and fortress have surrendered, has thought fit until his Majesty's pleasure should be known, to reduce the said additional duty to one real upon each ox hide, and to make a proportionable reduction of the duty payable upon each horse hide exported: his Majesty is thencefrom pleased to order and declare, that the said reduced duties, and no other, shall, until the further signification of his Majesty's pleasure, continue to be paid upon each ox hide and horse hide exported as aforesaid, in British ships owned by his Majesty's subjects, and navigated according to law; or in ships *bona fide* belonging to any of the subjects or native inhabitants of the said city, town, and territories, such native inhabitants being peaceably resident within the same, and under the obedience of his Majesty's government there: and the Right Honourable the Lords Commissioners of his Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

(Signed) W. FAWKENER.

No. VIII.

ORDERS IN COUNCIL.

At the Queen's Palace, Sept. 17, 1806, Present, the King's most excellent Majesty in Council.

Whereas the capital city, town, and fortress of Buenos Ayres, and its dependencies, have been conquered by his Majesty's forces, and the territory and forts of the same are delivered up to his Majesty, and the same are now in his Majesty's possession, his Majesty is therefore pleased to order and declare, and it is hereby ordered and declared that all his loving subjects may lawfully trade to and from the said capital city, town, and fortress of Buenos Ayres and its dependencies, including therein all and every the territories belonging to or forming a part of the government of the same, in British ships owned by his Majesty's subjects, and navigated according to law; or in ships *bona fide* belonging to any of the subjects or native inhabitants of the said city, town, or territories such native inhabitants being peaceably resident within the same and under the obedience of his Majesty's government there; and that such trade shall be subject to such duties, rules, regulations, conditions, restrictions, penalties and forfeitures to which the trade to and from his Majesty's colonies, plantations, and islands in the West Indies and South America is, or shall be subject by law, except as is hereafter specified.

And his Majesty is further pleased to order and declare, and it is hereby further ordered and declared, that all commodities being of the growth, produce, or manufacture, of the said capital city, town and fortress of Buenos Ayres, and its dependencies, including therein all and every the territories belonging to or forming a part of the government of the same, or which have been usually exported therefrom, shall be imported into any of the ports of the united kingdom in British ships owned by his Majesty's subjects, and navigated according to law; or in ships *bona fide* belonging to any of the subjects or native inhabitants of the said city, town, or territories, such native inhabitants being perceably resident within the same, and render the obedience of his Majesty's government there, and that such commodities shall be subject to the same duties, rules, regulations, conditions, penalties, and forfeitures as articles of the like sort are subject to, coming from his Majesty's colonies, plantations, or islands in the West Indies or South America.

And whereas information has been received that the commander of his Majesty's forces to whom the said city, town and fortress have surrendered, has reduced the duties on importation into the same, from about thirty-four and an half per cent. *ad valorem*, to ten per cent. *ad valorem*, and two and an half per cent. for the consulate or municipal duties, making in the whole, twelve and one half per cent. on articles imported into the said place and its dependencies, in British ships, owned by his Majesty's subjects and navigated according to law; or in ships *bona fide* belonging to any of the subjects or native inhabitants of the said city, town, or territories, such native inhabitants being peaceably resident within the same, and under the obedience of his Majesty's government there; his Majesty is therefore pleased to order and declare that the said reduced duties shall continue to be levied, and no other, on all articles imported, with the exception of German linens, which are to continue to be subject to the same duties as were paid thereon before the conquest of the said place by his Majesty's arms until his Majesty's pleasure shall be further signified. And it is hereby further ordered, that it shall not be lawful for any slave or slaves to be landed or imported or brought into the said city, town and fortress of Buenos Ayres, and its dependencies, including therein all and every the territories belonging to or forming a part of the government of the same as aforesaid, upon pain that all slaves so landed, imported, or brought, together with the vessels bringing in the same, or from which the same shall be landed, and their cargoes shall become forfeited to his Majesty, his heirs, and successors: provided always that this prohibition shall not extend to the several cases of slaves *bona fide* employed in navigating any ships trading to or from the said place, or of slaves *bona fide* employed as domestic slaves, and coming into the said place with their masters, or of slaves in any manner employed in his Majesty's naval or military service; and the Right Honourable the Lords Commissioners of his Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions therein as to them may respectively appertain.

(Signed) W. FAWKENER.

No. IX.

Copy of a Letter from General ELIO.

July 8, 1807.

SIR—By the order of the Spanish General D. Santiago de Liniers, I answer to the letter brought by your flag of truce respecting the surrender of this capital, by saying that nothing relative to the laying down our arms will be attended to. That the Spanish General has a sufficient number of brave troops, commanded by brave chiefs, full of desire to die in defence of their country, and that this is the moment to shew their patriotism.

I remain, &c. Colonel ELIO.

No. X.

Written Instructions of Major ROACH.

Major Roach will proceed with a flag of truce immediately after day-light into Buenos Ayres. He will ask for the military commandant, and summon, to spare the further effusion of blood, that the town should surrender. If it is necessary, though I wish to avoid any definitive declaration, the only terms that will be granted are, that all military and civil officers and soldiers shall be prisoners of war; that all the English in the possession of the Spaniards shall be given up with sufficient hostages; that a free exercise of the Roman catholic religion will be granted; that all private property shall be respected, provided the owner takes an oath of fidelity to the British government, and does not break through the observance of it.

(Signed) J. L. GOWER, Maj.-Gen.

No. XI.

General Orders for the Attack on the Town of Buenos Ayres on the Morning of the 5th July.

The 38th regiment, under Sir Sam. Auchmuty, to detach and possess itself of the

Plaza del Toros, and the adjacent strong ground, and then take post

The 5th, 36th, 87th and 88th, regiments to be divided into wings, and each wing to penetrate into the street directly in its front.

The light battalions divided into wings, each followed by a wing of the 95th regiment, and a three pounder to proceed down the two streets in the right of the central one, and the 45th regiment down the two adjoining; and after clearing the streets of the enemy, to take post at the Residencia.

Two six pounders covered by the carbineers and three troops of the 9th light dragoons, to proceed along the central street. The remainder of the carbineers and dragoons as a reserve in the centre.

Each division to proceed along the street directly in its front, till it arrives at the last square of houses next the river Plata; of which it is to possess itself, forming on the flat roofs, and there wait for further orders.

The 95th regiment to occupy two of the most commanding situations from which it can annoy the enemy.

Two corporals, with tools, to march at the head of each column, for the purpose of breaking open the doors.

The whole to be unloaded, and no firing to be permitted until the columns reach their final points and form.

A cannonade in the centre to be the signal for the whole to move forward.

No. XII.

Copy of a Letter from Lieutenant-Colonel Guard to Lieutenant-General Whitelocke.

SIR, *Buenos Ayres, 8th July* 1807,

In answer to your enquiries respecting the town of Buenos Ayres, it is my opinion, from what I have seen and heard, that had the town been bombarded, so little were the inhabitants under the controul of their officers, that the prisoners would have been in the most imminent danger.

I am, Sir, &c.

No. XIII.

Report made by Major Nicholls, of the 45th Regiment, of the Operations of the Part of the Corps under his Command, from the morning of the 5th to the middle of the 6th July.

According to orders, having proceeded, on the signal gun being fired, down the street pointed out to me, I occupied the Residencia before Lieutenant-Colonel Guard came up, who, upon finding that, declared his intention of communicating with Brigadier-General Craufurd, and I waited till his return. In the mean time I possessed myself of all the houses, and cleared them of all the enemy who had occupied them. I then judged it consistent with my orders to support the right column, and was proceeding for that purpose with the hope that we should be joined by some other column. A union flag was hoisted at a distance yesterday, but to my great mortification is was again withdrawn about 3 o'clock P. M. In the morning the enemy pressed on us very much, but retired before our column, and we took two brass guns; Captain Whittingham arrived this day with the grenadier company of the 40th, and will deliver this report to your Excellency. The enemy discharged a piece of cannon against us, upon which we charged in a column of sections and sustained little loss; having dispersed them, we secured their tumbrils and returned to the Residencia, one of the pieces of cannon being spiked. The men behaved like griffins, led on in a very gallant style by Major Tolly. We feel it our duty to retain this station during your Excellency's pleasure. We have a supply of provisions for two days, and only want our artillery officer and some men for the cannon, with which we can completely command the vacant street. I trust your Excellency will excuse this detail. The enemy has lost in this quarter from 50 to 100, and our men, through motives of humanity, made some prisoners.

(Signed) W. NICHOLLS.
Major, 45th regiment.

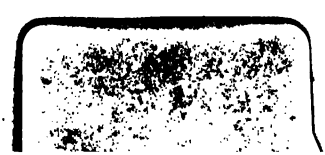
No. XIV.

Letter from General Whitelocke to Rear Admiral Murray, dated Plaza del Toros, 6th July.

DEAR ADMIRAL,

I arrived here about one hour since, in order to ascertain what more can be done by the gailantry and exertions of the army under my command. We have suffered much in every way since I had the pleasure of seeing you, which seldom, under any circumstances, has been equalled. Of one thing you may be assured, and that is, that Spanish America never can be English, as the inveteracy of every class of inhabitants is beyond belief. Come to me without loss of time. I will send you Major-General Gower, in consequence of a letter I received. I am, &c.

JOHN WHITELOCKE,
Commander in Chief.

The four gun-boats have been working with great effect, and if the business goes on naval assistance will go a great way towards the accomplishment of our plan.

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